



**LEGAL SERVICES CORPORATION
APPROPRIATIONS ACTS & SELECTED REPORTS**

FY 1996 – FY 2014

Including General Provisions for the Most Recent Years

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Legal Services Corporation FY 1996 Appropriation

Public Law No: 104-134

110 Stat. 1321

April 26, 1996

OMNIBUS CONSOLIDATED RESCISSIONS AND APPROPRIATIONS ACT OF 1996

TITLE V—RELATED AGENCIES

[*1321-50]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$278,000,000, of which \$269,400,000 is for basic field programs and required independent audits carried out in accordance with section 509; \$1,500,000 is for the Office of the Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients in accordance with section 509 of this Act; and \$7,100,000 is for management and administration: Provided, That \$198,750,000 of the total amount provided under this heading for basic field programs shall not be available except for the competitive award of grants and contracts under section 503 of this Act.

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ADMINISTRATIVE PROVISIONS — LEGAL SERVICES CORPORATION

Sec. 501. (a) Funds appropriated under this Act to the Legal Services Corporation for basic field programs shall be distributed as follows:

(1) The Corporation shall define geographic areas and make the funds available for each geographic area on a per capita basis relative to the number of individuals in poverty determined by the Bureau of the Census to be within the geographic area, except as provided in paragraph (2)(B). Funds for such a geographic area may be distributed by the Corporation to 1 or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)), subject to sections 502 and 504.

(2) Funds for grants from the Corporation, and contracts entered into by the Corporation for basic field programs, shall be allocated so as to provide—

Text amended by Pub. L. 113-6, 127 Stat. 198, 268 (2013) (FY 2013 LSC Appropriation).

(A) except as provided in subparagraph (B), an equal figure per individual in poverty for all geographic areas, as determined ~~on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code triennially by the Bureau of the Census, except that, with respect to fiscal year 2013, the change in allocation resulting from the amendment made to this subparagraph by the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2013 shall only be half of the change which would otherwise result from that amendment in order to phase in the change over a 2 year period~~ (or, in the case of the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Alaska, Hawaii, and the United States Virgin Islands, on the basis of the adjusted population counts historically used as the basis for such determinations); and

(B) an additional amount for Native American communities that received assistance under the Legal Services Corporation Act for fiscal year 1995, so that the proportion of the funds appropriated to the Legal Services Corporation for basic field programs for fiscal year 1996 that is received by the Native American communities shall be not less than the proportion of such funds appropriated for fiscal year 1995 that was received by the Native American communities.

(b) As used in this section:

(1) The term ‘individual in poverty’ means an individual who is a member of a family (of 1 or more members) with an income at or below the poverty line.

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

Sec. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation to make a grant, or enter into a contract, for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

(1) a private attorney admitted to practice in a State or the District of Columbia;

(2) a qualified nonprofit organization, chartered under the laws of a State or the District of Columbia, that—

(A) furnishes legal assistance to eligible clients; and

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(B) is governed by a board of directors or other governing body, the majority of which is comprised of attorneys who—

(i) are admitted to practice in a State or the District of Columbia; and

(ii) are appointed to terms of office on such board or body by the governing body of a State, county, or municipal bar association, the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1006(a)(1)(A)(ii) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)(ii)); or

(4) a substate regional planning or coordination agency that serves a substate area and whose governing board is controlled by locally elected officials.

Sec. 503. (a)(1) Not later than April 1, 1996, the Legal Services Corporation shall implement a system of competitive awards of grants and contracts for all basic field programs, which shall apply to all such grants and contracts awarded by the Corporation after March 31, 1996, from funds appropriated in this Act.

(2) Any grant or contract awarded before April 1, 1996, by the Legal Services Corporation to a basic field program for 1996—

(A) shall not be for an amount greater than the amount required for the period ending March 31, 1996;

(B) shall terminate at the end of such period; and

(C) shall not be renewable except in accordance with the system implemented under paragraph (1).

(3) The amount of grants and contracts awarded before April 1, 1996, by the Legal Services Corporation for basic field programs for 1996 in any geographic area described in section 501 shall not exceed an amount equal to 3/12 of the total amount to be distributed for such programs for 1996 in such area.

(b) Not later than 60 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process for the recipients of such grants and contracts.

(c) Such regulations shall specify selection criteria for the recipients, which shall include—

(1) a demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving the needs;

(2) the quality, feasibility, and cost effectiveness of a plan submitted by an applicant for the delivery of legal assistance to the eligible clients to be served; and

(3) the experience of the Legal Services Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the record of the applicant of past compliance with Corporation policies, practices, and restrictions.

(d) Such regulations shall ensure that timely notice regarding an opportunity to submit an application for such an award is published in periodicals of local and State bar associations and in at least 1 daily newspaper of general circulation in the area to be served by the person or entity receiving the award.

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(e) No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process.

(f) For the purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

Sec. 504. (a) None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity (which may be referred to in this section as a ‘recipient’)—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or other statement of general applicability and future effect by any Federal, State, or local agency;

(3) that attempts to influence any part of any adjudicatory proceeding of any Federal, State, or local agency if such part of the proceeding is designed for the formulation or modification of any agency policy of general applicability and future effect;

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress or a State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expense, or related expense, associated with an activity prohibited in this section;

(7) that initiates or participates in a class action suit;

(8) that files a complaint or otherwise initiates or participates in litigation against a defendant, or engages in a precomplaint settlement negotiation with a prospective defendant, unless—

(A) each plaintiff has been specifically identified, by name, in any complaint filed for purposes of such litigation or prior to the precomplaint settlement negotiation; and

(B) a statement or statements of facts written in English and, if necessary, in a language that the plaintiffs understand, that enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs, are kept on file by the recipient, and are made available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation:

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Provided, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential parties to the litigation or the negotiations: Provided further, That other parties to the litigation or negotiation shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;

(9) unless—

(A) prior to the provision of financial assistance—

(i) if the person or entity is a nonprofit organization, the governing board of the person or entity has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)(C)(i)), of the types of matters and cases to which the staff of the nonprofit organization shall devote time and resources; and

(ii) the staff of such person or entity has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with the written procedures of such board for such situations; and

(B) the staff of such person or entity provides to the governing board on a quarterly basis, and to the Corporation on an annual basis, information on all cases or matters undertaken other than cases or matters undertaken in accordance with such priorities;

(10) unless—

(A) prior to receiving the financial assistance, such person or entity agrees to maintain records of time spent on each case or matter with respect to which the person or entity is engaged;

(B) any funds, including Interest on Lawyers Trust Account funds, received from a source other than the Corporation by the person or entity, and disbursements of such funds, are accounted for and reported as receipts and disbursements, respectively, separate and distinct from Corporation funds; and

(C) the person or entity agrees (notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)) to make the records described in this paragraph available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

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(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who—

(i) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and

(ii) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which application has not been rejected;

For additional permissible alien representation under other statutes, please see 45 C.F.R. Part 1626, as revised in 2014.

Underlined text added in 2008 via § 540, Pub. L. 110-161, Div. B, Title V, 121 Stat. 1844, 1924 (FY 2008 LSC Appropriation).

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

→ (E) a nonimmigrant worker admitted to, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for forestry labor or an alien to whom section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) applies, but only to the extent that the legal assistance provided is the legal assistance described in such section; or

[8 U.S.C. 1101 note, Immigration Reform and Control Act of 1986, Pub. L. 99-603, sec. 305. Eligibility of H-2 Agricultural Workers For Certain Legal Assistance.

A nonimmigrant worker admitted to or permitted to remain in the United States under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) for agricultural labor or service shall be considered to be an alien described in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20)) [“lawfully admitted for permanent residence”] for purposes of establishing eligibility for legal assistance under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), but only with respect to legal assistance on matters relating to wages, housing, transportation, and other employment rights as provided in the worker's specific contract under which the nonimmigrant was admitted.]

(F) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity;

(12) that supports or conducts a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or antilabor activity, a boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity, except that this paragraph shall not be construed to prohibit the provision of training to an attorney or a paralegal to prepare the attorney or paralegal to provide—

(A) adequate legal assistance to eligible clients; or

(B) advice to any eligible client as to the legal rights of the client;

~~(13) that claims (or whose employee claims), or collects and retains, attorneys' fees pursuant to any Federal or State law permitting or requiring the awarding of such fees;~~

(14) that participates in any litigation with respect to abortion;

(15) that participates in any litigation on behalf of a person incarcerated in a Federal, State, or local prison;

(16) that initiates legal representation or participates in any other way, in litigation, lobbying, or rulemaking, involving an effort to reform a Federal or State welfare system, except that this paragraph shall not be construed to preclude a recipient from representing an individual eligible client who is seeking specific relief from a welfare agency if such relief does

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~~not involve an effort to amend or otherwise challenge existing law in effect on the date of the initiation of the representation;~~

Stricken text overruled by Legal Services Corp. v. Velazquez, 531 U.S. 533 (2001) and removed by Pub. L. 107-77, 115 Stat. 748, 794 (FY 2002 LSC Appropriation).

(17) that defends a person in a proceeding to evict the person from a public housing project if—

(A) the person has been charged with the illegal sale or distribution of a controlled substance; and

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

(18) unless such person or entity agrees that the person or entity, and the employees of the person or entity, will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action, and will not refer such nonattorney to another person or entity or an employee of the person or entity, that is receiving financial assistance provided by the Corporation; or

(19) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void, and, for such purposes, the Corporation shall be considered to be a Federal agency

See § 533, Pub. L. 111-117, Div. B, Title V, 123 Stat. 3034, 3157 (FY 2010 LSC Appropriation) for lifting of attorneys' fees restriction.

and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

(b) Nothing in this section shall be construed to prohibit a recipient from using funds from a source other than the Legal Services Corporation for the purpose of contacting, communicating with, or responding to a request from, a State or local government agency, a State or local legislative body or committee, or a member thereof, regarding funding for the recipient, including a pending or proposed legislative or agency proposal to fund such recipient.

(c) Not later than 30 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate a suggested list of priorities that boards of directors may use in setting priorities under subsection (a)(9).

(d)(1) The Legal Services Corporation shall not accept any non-Federal funds, and no recipient shall accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of the funds that the funds may not be expended for any purpose prohibited by the Legal Services Corporation Act or this title.

(2) Paragraph (1) shall not prevent a recipient from—

(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending the tribal funds in accordance with the specific purposes for which the tribal funds are provided; or

(B) using funds received from a source other than the Legal Services Corporation to provide legal assistance to a covered individual if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this Act or by the Legal Services Corporation Act.

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(e) Nothing in this section shall be construed to prohibit a recipient from using funds derived from a source other than the Legal Services Corporation to comment on public rulemaking or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of such an agency, body, or committee, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made.

(f) As used in this section:

(1) The term ‘controlled substance’ has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) The term ‘covered individual’ means any person who —

(A) except as provided in subparagraph (B), meets the requirements of this Act and the Legal Services Corporation Act relating to eligibility for legal assistance; and

(B) may or may not be financially unable to afford legal assistance.

(3) The term ‘public housing project’ has the meaning as used within, and the term ‘public housing agency’ has the meaning given the term, in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

Sec. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or nonprofit organization.

Sec. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

Sec. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law. Upon the enactment of such Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

Sec. 508. (a) The requirements of section 504 shall apply to the activities of a recipient described in section 504, or an employee of such a recipient, during the provision of legal assistance for a case or matter, if the recipient or employee begins to provide the legal assistance on or after the date of enactment of this Act.

(b) If the recipient or employee began to provide legal assistance for the case or matter prior to the date of enactment of this Act—

(1) each of the requirements of section 504 (other than paragraphs (7), (11), (13), and (15) of subsection (a) of such section) shall, beginning on the date of enactment of this Act, apply to the activities of the recipient or employee during the provision of legal assistance for the case or matter;

(2) the requirements of paragraphs (7), (11), and (15) of section 504(a) shall apply—

(A) beginning on the date of enactment of this Act, to the activities of the recipient or employee during the provision of legal assistance for any additional related claim for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) beginning August 1, 1996, to all other activities of the recipient or employee during the provision of legal assistance for the case or matter; and

(3) the requirements of paragraph (13) of section 504(a)—

(A) shall apply beginning on the date of enactment of this Act to the activities of the recipient or employee during the provision of legal assistance for any additional related claim

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for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) shall not apply to all other activities of the recipient or employee during the provision of legal assistance for the case or matter.

(c) The Legal Services Corporation shall, every 60 days, submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the status of cases and matters referred to in subsection (b)(2).

Sec. 509. (a) An audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act (referred to in this section as a 'recipient') shall be conducted in accordance with generally accepted government auditing standards and guidance established by the Office of the Inspector General and shall report whether—

(1) the financial statements of the recipient present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;

(2) the recipient has internal control systems to provide reasonable assurance that it is managing funds, regardless of source, in compliance with Federal laws and regulations; and

(3) the recipient has complied with Federal laws and regulations applicable to funds received, regardless of source.

(b) In carrying out the requirements of subsection (a)(3), the auditor shall select and test a representative number of transactions and report all instances of noncompliance to the recipient. The recipient shall report in writing any noncompliance found by the auditor during the audit under this section within 5 business days to the Office of the Inspector General and shall provide a copy of the report simultaneously to the auditor. If the recipient fails to report the noncompliance, the auditor shall report the noncompliance directly to the Office of the Inspector General within 5 business days of the recipient's failure to report. The auditor shall not be liable in a private action for any finding, conclusion, or statement expressed in a report made pursuant to this section.

(c) The audits required under this section shall be provided for by the recipients and performed by independent public accountants. The cost of such audits shall be shared on a pro rata basis among all of the recipient's funding providers and the appropriate share shall be an allowable charge to the Federal funds provided by the Legal Services Corporation. No audit costs may be charged to the Federal funds when the audit required by this section has not been made in accordance with the guidance promulgated by the Office of the Inspector General. If the recipient fails to have an acceptable audit in accordance with the guidance promulgated by the Office of the Inspector General,

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the following sanctions shall be available to the Corporation as recommended by the Office of the Inspector General:

(1) the withholding of a percentage of the recipient's funding until the audit is completed satisfactorily.

(2) the suspension of recipient's funding until an acceptable audit is completed.

(d) The Office of the Inspector General may remove, suspend, or bar an independent public accountant, upon a showing of good cause, from performing audit services required by this section. Any such action to remove, suspend, or bar an auditor shall be only after notice to the auditor and an opportunity for hearing. The Office of the Inspector General shall develop and issue rules of practice to implement this paragraph.

(e) Any independent public accountant performing an audit under this section who subsequently ceases to be the accountant for the recipient shall promptly notify the Office of the Inspector General pursuant to such rules as the Office of the Inspector General shall prescribe.

(f) Audits conducted in accordance with this section shall be in lieu of the financial audits otherwise required by section 1009(c) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)).

(g) The Office of the Inspector General is authorized to conduct on-site monitoring, audits, and inspections in accordance with Federal standards.

(h) Notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)), financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, for each recipient shall be made available to any auditor or monitor of the recipient, including any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation, except for reports or records subject to the attorney-client privilege.

(i) The Legal Services Corporation shall not disclose any name or document referred to in subsection (h), except to—

(1) a Federal, State, or local law enforcement official; or

(2) an official of an appropriate bar association for the purpose of enabling the official to conduct an investigation of a rule of professional conduct.

(j) The recipient management shall be responsible for expeditiously resolving all reported audit reportable conditions, findings, and recommendations, including those of sub-recipients.

(k) The Legal Services Corporation shall—

(1) Follow up on significant reportable conditions, findings, and recommendations found by the independent public accountants and reported to Corporation management by the Office of the Inspector General to ensure that instances of deficiencies and noncompliance are resolved in a timely manner, and

(2) Develop procedures to ensure effective follow-up that meet at a minimum the requirements of Office of Management and Budget Circular Number A-50.

(l) The requirements of this section shall apply to a recipient for its first fiscal year beginning on or after January 1, 1996.

*House Rpt. 104—537
(As corrected at H4187-H4287)*

*Making Appropriations For Fiscal Year 1996 To Make A
Further Downpayment Toward A Balanced Budget, And For Other Purposes*

Conference Report Comments

Legal Services Corporation

Payment To The Legal Services Corporation

The conference agreement provides \$278,000,000 for the Legal Services Corporation, as proposed by the House, instead of \$300,000,000 as proposed by the Senate. In addition, the conference agreement does not include \$9,000,000 in additional contingent appropriations, as proposed by the Senate under title IV of the Senate bill.

Within the total amounts provided, the conferees agree that the funds should be distributed as follows: (1) \$269,400,000 for basic field programs and required independent audits carried out in accordance with section 509; (2) \$1,500,000 for the Office of Inspector General; and (3) \$7,100,000 for management and administration. The conferees are aware that the Legal Services Corporation has recently identified \$400,000 in prior year carryover funds. The conferees expect the Committees on Appropriations of the House and Senate to be notified prior to any further expenditure of these funds in accordance with section 605 of this Act. The conference agreement does not include language, proposed by the Senate, for payment of attorneys fees for a specific civil action.

The Legal Services Corporation historically has distributed funding for basic field programs (for all eligible clients) on an equal figure per poor person based on the 1990 census, with an exception that adjusts the formula for certain isolated states and territories. The conferees are encouraged that the Corporation has worked expeditiously to distribute funding on a competitive award basis, and urge the Corporation to continue implementation of the system that has been developed to continue providing grants to all eligible populations.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement includes language proposed by the Senate under section 504 to provide an exception to the prohibition contained therein that would permit recipients of LSC grants to use funds derived from non-Federal sources to comment on public rulemakings or to respond to a written request for information or testimony from a governmental body, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made. The House bill contained no similar exception to the prohibition contained in the bill.

The conference agreement corrects a code citation in section 504(a)(10)(c), as proposed in the Senate bill. The House bill contained the code citation provided in the conference report on H.R. 2076.

The conference agreement includes language under section 508 to allow for the collection of attorneys fees for cases or matters pending prior to enactment of this Act. This provision does not allow the collection of attorneys fees for any new or additional claim or matter not initiated prior to enactment of this Act. Neither the House nor Senate bill contained a provision on this matter.

The conference agreement makes a modification to language included in section 508 in both the House and Senate bills to provide for a limited transition time for LSC grantees to dispose of pending cases and matters initiated prior to enactment of this Act, which would now be prohibited under this Act. The agreement provides LSC grantees until August 1, 1996 to dispose of all such cases.

The conference agreement contains modifications to language in section 509 proposed by the Senate related to the procedures by which LSC grantees are audited and the manner in which recipients contract with licensed independent certified public accountants for financial and compliance audits. Also included are modifications to language proposed by the Senate to clarify that only the Office of the Inspector General shall have oversight responsibility to ensure the quality and integrity of the financial and compliance audit process. Language is also included, as proposed by the Senate, to clarify the Corporation management's duties and responsibilities to resolve deficiencies and non-compliance reported by the Office of the Inspector General. Further, language is included, as proposed by the Senate, authorizing the Office of the Inspector General to conduct additional on-site monitoring, audits, and inspections necessary for programmatic, financial and compliance oversight. The House bill contained the provisions included in the conference report on H.R. 2076.

Legal Services Corporation FY 1997 Appropriation

[Public Law 104-208 incorporates most of the LSC provisions of Public Law 104-134 with specific modifications and additional provisions.]

**Public Law No: 104-208
110 Stat. 3009
September 30, 1996**

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

[*3009-59]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$283,000,000, of which \$274,400,000 is for basic field programs and required independent audits; \$1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and \$7,100,000 is for management and administration.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

SEC. 501. (a) Continuation of Competitive Selection Process.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104—134 (110 Stat. 1321-52 et seq.).

(b) Inapplicability of Noncompetitive Procedures.—For purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 502. (a) Continuation of Requirements and Restrictions.—None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104—134 (110 Stat. 1321-51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1996 and 1997, respectively; and

(2) section 504 of Public Law 104—134 (110 Stat. 1321-53 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104—134 (110 Stat. 1321-58) shall apply with respect to the requirements of subsection (a)(13) of such section 504, except that all references in such section 508(b) to the

[*3009-60]

date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504, shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty) or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parents consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

(b) Definitions.—For purposes of subsection (a)(2)(C):

(1) The term 'battered or subjected to extreme cruelty' has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 ;(Pub. L. 103—322; 108 Stat. 1953).

(2) The term 'related legal assistance' means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) Continuation of Audit Requirements.—The requirements of section 509 of Public Law 104—134 (110 Stat. 1321-58 et seq.), other than subsection (1) of such section, shall apply during fiscal year 1997.

(b) Requirement of Annual Audit.—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1997 in accordance with the requirements referred to in subsection (a).

House Rpt. 104—863

*Making Omnibus Consolidated
Appropriations For Fiscal Year 1997*

Conference Report

Legal Services Corporation

Payment to the Legal Services Corporation

The conference agreement includes \$283,000,000 for payment to the Legal Services Corporation instead of \$250,000,000 as proposed in the House bill and \$288,000,000 as proposed in the Senate-reported bill.

The conference agreement provides \$274,400,000 for grants to basic field programs and independent audits, \$7,100,000 for management and administration, and \$1,500,000 for the Office of the Inspector General.

Administrative Provisions—Legal Services Corporation

The conference agreement contains language, identical in both the House bill and Senate-reported bill, continuing all statutory requirements and restrictions included in the fiscal year 1996 appropriations act, with one modification. Section 502 of both bills contains an exception to the restrictions to allow non-Federal funds to be used to provide legal assistance in domestic violence and related matters.

The conference agreement makes several technical changes to correct statutory citations that were incorrectly cited in the House and Senate-reported bills.

Legal Services Corporation FY 1998 Appropriation

[Public Law 105-119 incorporates most of the LSC provisions of Public Law 104-134 with specific modifications and additional provisions.]

**Public Law No: 105-119
111 Stat. 2440
November 26, 1997**

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES APPROPRIATIONS ACT, 1998**

TITLE V—RELATED AGENCIES

[*2510]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$283,000,000, of which \$274,400,000 is for basic field programs and required independent audits; \$1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and \$7,100,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS— None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104—134 (110 Stat. 1321-52 et seq.).

(b) INAPPLICABILITY OF CERTAIN PROCEDURES— Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not apply to the provision, denial, suspension, or termination of any financial assistance using funds appropriated in this Act.

(c) ADDITIONAL PROCEDURES— If, during any term of a grant or contract awarded to a recipient by the Legal Services Corporation under the competitive selection process referred to in subsection (a) and applicable Corporation regulations, the Corporation finds, after notice and opportunity for the recipient to be heard, that the recipient has failed to comply with any requirement of the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any other applicable law relating to funding for the Corporation, the Corporation may terminate the

grant or contract and institute a new competitive selection process for the area served by the recipient, notwithstanding the terms of the recipient’s grant or contract.

SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND RESTRICTIONS— None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104—134 (110 Stat. 1321-51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1997 and 1998, respectively; and

(2) section 504 of Public Law 104—134 (110 Stat. 1321-53 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104—134 (110 Stat. 1321-58) shall apply with respect to the requirements of subsection (a)(13) of such section 504,

[*2511]

except that all references in such section 508(b) to the date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from ~~using funds derived from a source other than the Corporation to provide~~ providing related legal assistance to—

(i) ~~an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse’s or parent’s family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or~~ or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or

(ii) ~~an alien whose child, has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse’s or parent’s family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery~~

Text amended by Violence Against Women Act of 2005, Pub. L. 109-162, 119 Stat. 2960, 2978 (2006). For additional permissible alien representation under other statutes, please see 45 C.F.R. Part 1626, as revised in 2014.



~~or cruelty.~~ without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).

(b) DEFINITIONS— For purposes of subsection (a)(2)(C):

(1) The term ‘battered or subjected to extreme cruelty’ has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Public Law 103—322; 108 Stat. 1953).

(2) The term ‘related legal assistance’ means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty, sexual assault or trafficking, or the crimes listed in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)). ~~described in such subsection.~~

SEC. 503. (a) CONTINUATION OF AUDIT REQUIREMENTS— The requirements of section 509 of Public Law 104—134 (110 Stat. 1321-58 et seq.), other than subsection (l) of such section, shall apply during fiscal year 1998.

(b) REQUIREMENT OF ANNUAL AUDIT—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1998 in accordance with the requirements referred to in subsection (a).

SEC. 504. (a) DEBARMENT— The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Corporation. Any such action to debar a recipient shall be instituted after the Corporation provides notice and an opportunity for a hearing to the recipient.

(b) REGULATIONS— The Legal Services Corporation shall promulgate regulations to implement this section.

(c) GOOD CAUSE— In this section, the term ‘good cause’, used with respect to debarment, includes—

(1) prior termination of the financial assistance of the recipient, under part 1640 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling);

(2) prior termination in whole, under part 1606 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling), of the most recent financial assistance received by the recipient, prior to date of the debarment decision;

[*2512]

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of Public Law 104—134 (110 Stat. 1321-53 et seq.), section 502(a)(2) of Public Law 104—208 (110 Stat. 3009-59 et seq.), or section 502(a)(2) of this Act;

(4) knowing entry by the recipient into a subgrant, subcontract, or other agreement with an entity that had been debarred by the Corporation; or

(5) the filing of a lawsuit by the recipient, on behalf of the recipient, as part of any program receiving any Federal funds, naming the Corporation, or any agency or employee of a Federal, State, or local government, as a defendant.

SEC. 505. (a) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in semiannual reports, the following information about each case filed by its attorneys in any court:

(1) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(c) The case information disclosed in semi-annual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

SEC. 506. In establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f (a) (2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

H. RPT. 105—405

*DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE
JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998*

Conference Report Comments

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$283,000,000 for payment to the Legal Services Corporation, instead of \$250,000,000 as proposed in the House bill, and \$300,000,000 as proposed in the Senate bill.

The conference agreement provides \$274,400,000 for grants to basic field programs and independent audits, \$7,100,000 for management and administration, and \$1,500,000 for the Office of the Inspector General.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement contains language, included in both the House and Senate bills, continuing all statutory requirements and restrictions included in the fiscal year 1997 appropriations Act.

In addition, the conference agreement includes new provisions in section 501, as contained in the House bill, providing additional authority to the Corporation to terminate a grant award and institute a new grant competition if the existing grantee has been found to be in violation of statutory and regulatory requirements and restrictions. The Senate bill contained similar provisions. In addition, provisions are included in section 504, as contained in the House bill, to allow the Corporation to debar grantees from the competitive bid process in certain circumstances. The Senate bill contained similar provisions.

The conference agreement includes a provision, section 505, proposed in the House bill but not addressed in the Senate bill, requiring certain public disclosure reporting requirements related to litigation initiated by grantees of the Legal Services Corporation.

The conference agreement also includes a provision, section 506, proposed in the Senate bill but not addressed in the House bill, to ensure that income eligibility determinations in cases of domestic violence are made only on the basis of the assets and income of the individual. The conferees are aware that the current statute and regulations of the Legal Services Corporation already provide for such determinations to be made in all cases, including domestic violence. However, given concerns regarding access to the legal system for victims of domestic violence, the conferees have included this provision to provide greater clarity regarding this matter. However, the conferees do not intend to in any way preclude such eligibility determinations in other cases made in accordance with current regulations and statute.

The conference agreement makes several technical changes to correct statutory citations and other technical differences included in the House and Senate bills.

Legal Services Corporation FY 1999 Appropriation

**Public Law No: 105-277, 112 Stat. 2681
October 21, 1998**

**OMNIBUS CONSOLIDATED AND EMERGENCY APPROPRIATIONS ACT, 1999
TITLE V—RELATED AGENCIES**

[*2681-107]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$300,000,000, of which \$289,000,000 is for basic field programs and required independent audits; \$2,015,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and \$8,985,000 is for management and administration.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1998 and 1999, respectively.

House Rpt. 105—825

*MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL
APPROPRIATIONS FOR FISCAL YEAR 1999*

Conference Report Comments

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$300,000,000 for payment to the Legal Services Corporation, as proposed in the Senate bill, instead of \$250,000,000 as proposed in the House bill.

The conference agreement provides \$289,000,000 for grants to basic field programs and independent audits, \$8,985,000 for management and administration, and \$2,015,000 for the Office of the Inspector General. The conference agreement does not include language proposed in the Senate bill to designate \$300,000 of funds provided under this account for litigation associated with Aguilar v. United States. The House bill did not address this matter.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The conference agreement contains language to continue the terms and conditions included under this section in the fiscal year 1998 Act, as proposed in the House bill. The Senate bill contained similar language, but did not propose to continue provisions regarding public disclosure of certain information and treatment of assets and income for certain clients.

Legal Services Corporation FY 2000 Appropriation

Public Law No: 106-113

113 Stat. 1501

November 29, 1999

CONSOLIDATED APPROPRIATIONS ACT, 2000

[*1501A-49]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$305,000,000, of which \$289,000,000 is for basic field programs and required independent audits; \$2,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$8,900,000 is for management and administration; and \$5,000,000 is for client self help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1999 and 2000, respectively.

House Rpt. 106—479

*MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE
DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST
REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2000, AND FOR OTHER
PURPOSES*

CONFERENCE REPORT COMMENTS

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$305,000,000 for payment to the Legal Services Corporation, instead of \$300,000,000 as proposed in the Senate bill, and \$250,000,000 as proposed in the House bill.

The conference agreement provides \$289,000,000 for grants to basic field programs and independent audits, \$8,900,000 for management and administration, and \$2,100,000 for the Office of the Inspector General, as proposed by the Senate. The agreement also includes \$5,000,000 to provide technology grants to Legal Services Corporation grantees to be used to improve pro se clinic methods and acquire computerized systems that make basic legal information and court forms accessible to pro se litigants. These grants are made with the understanding, as stated in the Legal Services Corporation budget request, that the grantees make a commitment to include in their budgets for future years amounts sufficient to maintain and upgrade their equipment. The conferees note that \$28,000,000 is provided for civil legal assistance under the Violence Against Women Act program funded under title I of this bill.

The conferees expect that any unobligated balances remaining available at the end of the fiscal year may be reallocated among participating programs for technology enhancements and demonstration projects in succeeding fiscal years, subject to the reprogramming procedures in Section 605 of this Act.

The conferees have concerns about the case service reporting and associated data reports submitted annually by the Corporation's grantees and the case statistical reports submitted by the Corporation to the Congress, and the conferees direct the Corporation to make improvement of the accuracy of these submissions a top priority, per directions in the House report. The conferees also direct the Corporation to submit its 1999 annual case service reports and associated data reports to Congress no later than April 30, 2000. The Office of the Inspector General will assess the case service information provided by the grantees, and will report to the Committees no later than July 30, 2000, as to its accuracy, as described in the House report. The conference agreement also includes the two feasibility reports described in the House report, due no later than June 1, 2000. The conferees urge the Corporation to provide its annual case service reports by May 1 of each following fiscal year, as described in the House report. The conferees direct the Corporation to keep the Committees fully informed on its study of the issue of the statutory requirement that aliens be 'present in the United States', as described in the House report.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The Conference recommendation includes bill language to continue the terms and conditions included under this section in the fiscal year 1999 bill, as proposed in the House. The Senate bill contained similar language, but did not propose to continue provisions regarding public disclosure of certain information and treatment of assets and income for certain clients.

Legal Services Corporation FY 2001 Appropriation

Public Law No: 106-553

114 Stat. 2762

December 21, 2000

CONSOLIDATED APPROPRIATIONS ACT, 2001

*[Enacting into law H.R. 5547 and H.R. 5548 of the 106th Congress.
H.R. 5548 contains a provision for funding for the Legal Services Corporation.
Rescission language reprinted following the Conference Report.]*

TITLE V—RELATED AGENCIES

[[Page 114 STAT. 2762A-100]]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$330,000,000, of which \$310,000,000 is for basic field programs and required independent audits; \$2,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$10,800,000 is for management and administration; and \$7,000,000 is for client self help and information technology.

[[Page 114 STAT. 2762A-101]]

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2000 and 2001, respectively.

House Rpt. 106—1005

MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001, AND FOR OTHER PURPOSES

Conference Report Comments

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$330,000,000 for the payment to the Legal Services Corporation, instead of \$300,000,000 as proposed in the Senate-reported amendment, and \$275,000,000 as proposed in the House bill. The conference agreement provides \$310,000,000 for grants to basic field programs and independent audits, \$10,800,000 for management and administration, \$2,200,000 for the Office of Inspector General, and \$7,000,000 for client self-help and information technology. The conference agreement also includes \$31,625,000 for civil legal assistance under the Violence Against Woman Act programs funded under Title I of this Act. In addition, according to LSC-released statistics, grantees received over \$605,000,000 of funding during 1999.

Within the amounts provided for management and administration, the Corporation is expected to hire at least seven investigators for the Compliance and Enforcement Division to investigate field grantees' compliance with the regulations grantees agreed to abide by when accepting Federal funding.

The conference agreement adopts by reference the House report language on class action suits and the Senate report language on travel.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The conference agreement includes language to continue the terms and conditions included under this section in the fiscal year 2000 Act, as proposed in both the House bill and the Senate-reported amendment.

*House and Senate Reports Referenced by House Rpt. 106—1005
(referenced portions underlined)*

House Rpt. 106—680

*Departments of Commerce, Justice, and State, the Judiciary,
and Related Agencies Appropriations Bill, Fiscal Year 2001*

Legal Services Corporation

Salaries and Expenses

The Committee recommendation provides \$141,000,000 for the Legal Services Corporation (the Corporation) for fiscal year 2001. This amount is a decrease of \$199,000,000 below the request, and \$164,000,000 below the amount provided in fiscal year 2000. This amount includes: (1) \$134,575,000 for grants to basic field programs; (2) \$5,300,000 for Corporation management and administration; and (3) \$1,125,000 for the Office of the Inspector General. The Committee notes that \$35,250,000 is provided for civil legal assistance under the Violence Against Women Act program funded under Title I of this bill.

The Committee is pleased with the efforts of the Corporation to improve the case reporting of its grantees. However, the Committee feels the Corporation can continue to work with its grantees to improve case reporting and lower the grantees' reporting error rate. The Committee is also interested in the efforts the Corporation has made in developing new performance measures that will allow both Congress and the Corporation to better evaluate the work of the grantees. These efforts include developing a 'cost-per-case' model and providing data on the level of non-case services provided such as community education, and services provided through self-help forms, kiosks or the internet. The Committee expects to be kept informed on the development of these measures.

The Committee also reminds the Corporation that its grantees are prohibited by section 504(a)(7) of P.L. 105—119 from participating in class action suits and directs the Corporation to ensure its grantees comply.

Senate Rpt. 106—404

*Departments of Commerce, Justice, and State, the Judiciary,
and Related Agencies Appropriations Bill, 2001*

Legal Services Corporation

Payment to the Legal Services Corporation

<i>Appropriations, 2000</i>	<i>\$305,000,000</i>
<i>Budget estimate, 2001</i>	<i>340,000,000</i>
<i>House allowance</i>	<i>275,000,000</i>
<i>Committee recommendation</i>	<i>300,000,000</i>

The Committee recommends an appropriation of \$300,000,000. This is \$40,000 less than the budget request. The Committee recommendation includes \$289,000,000 for basic field programs, to be used for competitively awarded grants and contracts, \$8,900,000 for management and administration, and \$2,100,000 for the Office of the Inspector General [OIG]. The Committee is aware that LSC released statistics stating its grantees received over \$605,000,000 in total funding during 1999.

The Committee is concerned by the amount spent on travel costs and on past Board of Directors' meetings held at four star hotels and resort spas which are not on the Federal Government's approved list. Federal funding is being provided for the program's core mission: to provide basic legal aid to poor individuals. With this in mind, the Committee recommends a less indulgent approach in these areas. Furthermore, from available funds, the Committee recommends five additional investigators for the Compliance and Enforcement Division to investigate field grantees' compliance with the limited regulations grantees agreed to abide by when accepting Federal taxpayer funding.

GOVERNMENT WIDE RESCISSION OF 0.22%

**Public Law: 106-554
114 Stat. 2763
December 21, 2000**

H.R. 4577 enacts into law by reference H.R. 5666 which contains the rescission.

Excerpt from H.R. 5666

Sec. 1403. (a) Government-Wide Rescissions.—There is hereby rescinded an amount equal to 0.22 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2001 in this or any other Act for each department, agency, instrumentality, or entity of the Federal Government, except for those programs, projects, and activities which are specifically exempted elsewhere in this provision: Provided, That this exact reduction percentage shall be applied on a pro rata basis only to each program, project, and activity subject to the rescission.

(b) Restrictions.—This reduction shall not be applied to the amounts appropriated in Title

I of Public Law 106 259: Provided, That this reduction shall not be applied to the amounts appropriated in Division B of Public Law 106 246: Provided further, That this reduction shall not be applied to the amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, as contained in this Act, or in prior Acts.

(c) Report.—The Director of the Office of Management and Budget shall include in the President’s budget submitted for fiscal year 2002 a report specifying the reductions made to each account pursuant to this section.

House Rpt. 106—1033

*MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL
APPROPRIATIONS FOR FISCAL YEAR 2001*

Conference Report Comments

The conference agreement includes a new provision rescinding 0.22 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2001, except for those programs, projects, and activities which are specifically exempted. The provision exempts from rescission the Military Personnel accounts of the Department of Defense Appropriations Act, 2001, and fiscal year 2001 amounts for activities funded in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Legal Services Corporation FY 2002 Appropriation

**Public Law No: 107-77
115 Stat. 748
November 28, 2001**

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2002**

[[Page 115 STAT. 794]]

TITLE V—RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$329,300,000, of which \$310,000,000 is for basic field programs and required independent audits; \$2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; [[Page 115 STAT. 795]] \$12,400,000 is for management and administration; and \$4,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2001 and 2002, respectively.

Section 504(a)(16) of Public Law 104—134 is hereafter amended by striking “if such relief does not involve” and all that follows through “representation”.

HOUSE REPORT 107—139

*DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, FISCAL YEAR 2002*

[page 127]

LEGAL SERVICES CORPORATION

SALARIES AND EXPENSES

The Committee recommendation includes \$329,300,000 for the Legal Services Corporation for fiscal year 2002. This amount is the same as the request and \$26,000 above the current year appropriation. This amount includes: (1) \$310,000,000 for grants to basic field programs; (2) \$2,500,000 for the Office of Inspector General; (3) \$12,400,000 for Corporation management and administration; and (4) \$4,400,000 for client self-help and information technology. The Committee notes that \$40,000,000 is provided for civil legal assistance under the Violence Against Women Act program funded under Title I of this bill.

The Legal Services Corporation is a private, nonprofit corporation that provides low-income individuals with access to legal assistance and information concerning civil legal problems. Created in 1974, the Legal Services Corporation is charged by Congress to provide assistance to those who would otherwise be unable to afford adequate legal counsel.

The Committee supports LSC's efforts to streamline its service area configurations through the State planning process. However, the Committee has been made aware of concerns that LSC has attempted to impose its own reconfiguration plans on certain States without clearly articulating standards for such decisions. In several instances the Corporation rejected reconfiguration plans developed and approved by all relevant stakeholders within a State, and provided no opportunity for the State to appeal that decision. The Committee expects LSC to review the State planning process and the concerns raised, and report back to the Committee by no later than September 4, 2001, with a proposal that articulates the reconfiguration standards and process for States to appeal LSC's decisions. The Committee intends that LSC consult with appropriate stakeholders in developing this proposal.

The Committee reminds the Legal Services Corporation that its grantees are prohibited by section 504(a)(7) of Public Law 105 119 from participating in class action lawsuits and directs the Corporation to ensure its grantees comply.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The Committee recommendation includes bill language to continue statutory requirements and restrictions contained in previous Appropriations Acts, as requested. A legal correction is [page 128] recommended to reflect the recent Supreme Court ruling in the Legal Services Corporation v. Velazquez case.

Legal Services Corporation FY 2003 Appropriation

Public Law No: 108-7

118 Stat. 3

H.J.Res.2

February 20, 2003

CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003

Enacting into law H.J.Res.2 of the 108th Congress.

Amounts are reduced by 0.65% as per the government wide rescission in § 601, reprinted below.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$338,848,000, of which \$9,500,000 is to provide supplemental funding for basic field programs, and related administration, for service areas (including a merged or reconfigured service area) that will receive less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and of which \$310,048,000 is for basic field programs and required independent audits; \$2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$13,300,000 is for management and administration; and \$3,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2002 and 2003, respectively, and except that section 501(a)(1) of Public Law 104—134 (110 Stat. 1321-51, et seq.) shall not apply to the use of the \$9,500,000 to address loss of funding due to Census-based reallocations.

TITLE VI—OFFSETS

SEC. 601. (a) ACROSS-THE-BOARD RESCISSIONS- There is hereby rescinded an amount equal to 0.65 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2003 for any discretionary account in divisions A through K of this joint resolution;

(2) the budget authority provided in any advance appropriation for fiscal year 2003 for any discretionary account in any prior fiscal year appropriations Act; and

(3) the contract authority provided in fiscal year 2003 for any program subject to limitation contained in this joint resolution.

(b) PROPORTIONATE APPLICATION— Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget).

(c) The rescission in subsection (a) shall not apply to budget authority appropriated or otherwise made available by this joint resolution in the following amounts in the following activities or accounts:

\$4,696,000,000 provided for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the Department of Agriculture in division A;

\$6,667,533,000 provided for the Head Start Act in the Department of Education in division G;

\$23,889,304,000 provided for medical care in the Department of Veterans Affairs in division K; and

\$3,836,000,000 provided for the Shuttle program in the National Aeronautics and Space Administration in division K.

*HOUSE REPORT 108—10
MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003, AND FOR OTHER
PURPOSES*

*LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION*

The conference agreement includes \$338,848,000 for the payment to the Legal Services Corporation. The Legal Services Corporation will provide \$9,500,000 in one-time grants equitably distributed among those service areas that will receive less funding in FY 2003 than they did in FY 2002 because of census-based reallocations.

ADMINISTRATIVE PROVISION

The conference agreement includes language to continue the terms and conditions included under this section in previous Appropriations Acts, except that section 501(a)(1) of Public Law 104 134 shall not apply to the use of \$9,500,000.

Legal Services Corporation FY 2004 Appropriation

Public Law No: 108-199

118 Stat. 3

January 23, 2004

CONSOLIDATED APPROPRIATIONS ACT, 2004

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$338,848,000, of which \$317,471,000 is for basic field programs and required independent audits; \$2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$13,300,000 is for management and administration; \$2,977,000 is for client self-help and information technology; and \$2,500,000 is for grants to offset losses due to census adjustments.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2003 and 2004, respectively, and except that section 501(a)(1) of Public Law 104—134 (110 Stat. 1321-51, et seq.) shall not apply to the use of the \$2,500,000 to address loss of funding due to Census-based reallocations.

TITLE VI—GENERAL PROVISIONS

SEC. 638. (a) There is hereby rescinded an amount equal to 0.465 percent of the budget authority provided for fiscal year 2004 for any discretionary account in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget).

DIVISION H—MISCELLANEOUS APPROPRIATIONS AND OFFSETS

SEC. 168 (a) RESCISSIONS— From unobligated balances of amounts made available in Public Law 107—38, and in Public Law 107—117, and in appropriations Acts for the Department of Defense, \$1,800,000,000 is hereby rescinded: *Provided*, That the Director of the Office of Management and Budget, after consultation with the Committees on Appropriations of the House and Senate and the Secretary of Defense, shall determine the amounts to be rescinded from each account that is to be so reduced: *Provided further*, That the rescissions shall take effect no later than September 30, 2004: *Provided further*, That the Director of the Office of Management and Budget shall notify the Committees on Appropriations of the House and Senate 30 days prior to rescinding such amounts: *Provided further*, That such notification shall include the accounts, programs, projects and activities from which the funds will be rescinded: *Provided further*, That this section shall not apply to any amounts appropriated or otherwise made available by the seventh proviso under the heading ‘Emergency Response Fund’ in Public Law 107—38.

(b) ACROSS-THE-BOARD RESCISSIONS— There is hereby rescinded an amount equal to 0.59 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2004 for any discretionary account in divisions A through H of this Act and in any other fiscal year 2004 appropriation Act (except any fiscal year 2004 supplemental appropriation Act, the Department of Defense Appropriations Act, 2004, or the Military Construction Appropriations Act, 2004);

(2) the budget authority provided in any advance appropriation for fiscal year 2004 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2004 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

(c) PROPORTIONATE APPLICATION— Any rescission made by subsection (b) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget).

(d) OMB REPORT— Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to subsection (b).

This division may be cited as the “Miscellaneous Appropriations and Offsets Act, 2004”.

HOUSE RPT. 108—401

MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2004, AND FOR OTHER PURPOSES

Conference Report Comments

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$338,848,000 for the payment to the Legal Services Corporation, as proposed in both the House and Senate bills. The recommendation is \$9,548,000 above the budget request. Of the amounts provided, the Legal Services Corporation will provide \$2,500,000 in grants equitably distributed to the ten states most negatively affected by recent census-based reallocations.

ADMINISTRATIVE PROVISION

The conference agreement includes bill language to continue the terms and conditions included under this section in previous Appropriations Acts.

Legal Services Corporation FY 2005 Appropriation

Public Law No: 108-447

118 Stat. 2809

December 8, 2004

CONSOLIDATED APPROPRIATIONS ACT, 2005

**DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE
JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

TITLE V—RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$335,282,000, of which \$316,604,000 is for basic field programs and required independent audits; \$2,573,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$13,000,000 is for management and administration; \$1,272,000 is for client self-help and information technology; and \$1,833,000 is for grants to offset losses due to census adjustments: Provided, That not to exceed \$1,000,000 from amounts previously appropriated under this heading may be used for a student loan repayment pilot program.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2004 and 2005, respectively, and except that section 501(a)(1) of Public Law 104-134 (110 Stat. 1321-51 et seq.) shall not apply to the use of the \$1,833,000 to address loss of funding due to Census-based reallocations.

TITLE VI—GENERAL PROVISIONS (INCLUDING RESCISSIONS)

SEC. 640. (a) There is hereby rescinded an amount equal to 0.54 percent of the budget authority provided for in fiscal year 2005 for any discretionary account in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

DIVISION J—OTHER MATTERS

TITLE I—MISCELLANEOUS PROVISIONS AND OFFSETS

SEC. 122. (a) ACROSS-THE-BOARD RESCISSIONS- There is hereby rescinded an amount equal to 0.80 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2005 for any discretionary account in divisions A through J of this Act and in any other fiscal year 2005 appropriation Act (except any fiscal year 2005 supplemental appropriation Act, the Department of Homeland Security Appropriations Act, 2005, the Department of Defense Appropriations Act, 2005, or the Military Construction Appropriations Act, 2005);

(2) the budget authority provided in any advance appropriation for fiscal year 2005 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2005 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

(b) PROPORTIONATE APPLICATION- Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

108TH CONGRESS 2ND SESSION
 HOUSE OF REPRESENTATIVES
 Report 108-576

MAKING APPROPRIATIONS FOR COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND
 RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005, AND FOR
 OTHER PURPOSES

CONFERENCE REPORT

to accompany

H.R. 4818

July 1, 2004

DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED
 AGENCIES APPROPRIATIONS, 2004

TITLE V—RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The recommendation includes \$335,282,000 for the payment to the Legal Services Corporation. This amount is the same as the fiscal year 2004 level and \$5,982,000 above the request. This amount includes: (1) \$316,604,000 for grants to basic field programs and required independent audits; (2) \$2,573,000 for the Office of Inspector General; (3) \$13,160,000 for Corporation management and administration; and (4) \$2,945,000 for client self-help and information technology.

The Legal Services Corporation is a private, nonprofit corporation that provides low-income individuals with access to legal assistance and information concerning civil legal problems. Created in 1974, the Legal Services Corporation is charged by Congress to provide assistance to those who would otherwise be unable to afford adequate legal counsel.

The Committee notes that the Legal Services Corporation will carry forward into fiscal year 2005 balances remaining from prior year appropriations. The recommendation includes a provision to allow LSC to spend up to \$1,000,000 from such balances for a law school student loan repayment pilot program in fiscal year 2005. Not later than 30 days after enactment of this Act, the Corporation shall submit the following information to the Committee: guidelines and requirements for implementing a loan repayment program, the number of legal aid attorneys who will be able to receive student loan repayment based on the amounts made available, and the original sources of funds that will be re-allocated for a student loan repayment program. The Committee expects that this program will help to encourage more lawyers to pursue careers in legal aid.

ADMINISTRATIVE PROVISION

The Committee recommendation includes bill language to continue statutory requirements and restrictions contained in previous Appropriations Acts.

Legal Services Corporation FY 2006 Appropriation

Public Law No: 109-108

119 Stat. 2290

November 22, 2005

TITLE V—RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$330,803,000, of which \$312,375,000 is for basic field programs and required independent audits; \$2,539,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$12,825,000 is for management and administration; \$1,255,000 is for client self-help and information technology; and \$1,809,000 is for grants to offset losses due to census adjustments.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2005 and 2006, respectively, and except that section 501(a)(1) of Public Law 104-134 (110 Stat. 1321-51 et seq.) shall not apply to the use of the \$1,809,000 to address loss of funding due to Census-based reallocations.

TITLE VI—GENERAL PROVISIONS

(RESCISSION)

SEC. 638. (a) There is hereby rescinded an amount equal to 0.28 percent of the budget authority provided for in fiscal year 2006 for any discretionary account in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

**Public Law No: 109-148
119 Stat. 2290
January 4, 2006**

TITLE III—RESCISSIONS AND OFFSETS

CHAPTER 8

GOVERNMENT-WIDE RESCISSIONS

SEC. 3801. (a) ACROSS-THE-BOARD RESCISSIONS- There is hereby rescinded an amount equal to 1 percent of—

- (1) the budget authority provided (or obligation limit imposed) for fiscal year 2006 for any discretionary account of this Act and in any other fiscal year 2006 appropriation Act;
- (2) the budget authority provided in any advance appropriation for fiscal year 2006 for any discretionary account in any prior fiscal year appropriation Act; and
- (3) the contract authority provided in fiscal year 2006 for any program subject to limitation contained in any fiscal year 2006 appropriation Act.

(b) PROPORTIONATE APPLICATION- Any rescission made by subsection (a) shall be applied proportionately—

- (1) to each discretionary account and each item of budget authority described in such subsection; and
- (2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

109th CONGRESS 1st SESSION
HOUSE OF REPRESENTATIVES
Report 109-272

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE,
JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR THE FISCAL
YEAR ENDING SEPTEMBER 30, 2006, AND FOR OTHER PURPOSES

November 7, 2005- Ordered to be printed
Mr. WOLF, from the committee of conference, submitted the following
CONFERENCE REPORT

CONFERENCE REPORT

[To accompany H.R. 2862]

TITLE V—RELATED AGENCIES

[202]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$330,803,000 for the payment to the Legal Services Corporation, the same as proposed by the House, instead of \$358,527,000 as proposed by the Senate.

The conference agreement includes \$312,375,000 for basic field programs, to be used for competitively awarded grants and contracts, \$12,825,000 for management and administration, \$1,255,000 for client self-help and information technology, \$2,539,000 for the Office of the Inspector General, and \$1,809,000 for grants to offset losses due to census adjustments.

The conferees incorporate, by reference, language in the House report regarding rent costs. [Underlined below in the House Report]

[203]

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The conference agreement includes bill language to continue the terms and conditions included under this section in previous Appropriations Acts.

109th CONGRESS 1st SESSION
HOUSE OF REPRESENTATIVES
Report 109-118

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS BILL,
FISCAL YEAR 2006

June 10, 2005- Committed to the Committee of the Whole House on the State of the Union and ordered to
be printed

Mr. WOLF, from the Committee on Appropriations, submitted the following
R E P O R T together with ADDITIONAL VIEWS

[To accompany H.R. 2862]

[149]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The recommendation includes \$330,803,000 for the payment to the Legal Services Corporation. This amount is the same as the fiscal year 2005 level and \$12,553,000 above the request. This amount includes: (1) \$313,683,000 for grants to basic field programs and required independent audits; (2) \$2,539,000 for the Office of Inspector General; (3) \$12,826,000 for Corporation management and administration; and (4) \$1,755,000 for client self-help and information technology.

The Legal Services Corporation is a private, nonprofit corporation that provides low-income individuals with access to legal assistance and information concerning civil legal problems. Created in 1974, the Legal Services Corporation is charged by Congress to provide assistance to those who would otherwise be unable to afford adequate legal counsel.

The recommendation does not include new funding for a loan repayment assistance program (LRAP), but the Committee encourages LSC to proceed with the planned pilot program. The Committee expects that the LRAP will help to encourage more attorneys to pursue careers in legal aid.

The Committee is concerned about LSC's rent payment for its current headquarters. The Committee expects LSC to reduce its rent payment by eliminating unnecessary office space and negotiating a more competitive cost per square foot.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The Committee recommendation includes bill language to continue similar statutory requirements and restrictions contained in previous Appropriations Acts.

109th CONGRESS 1st SESSION
SENATE Report 109-88

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2006

June 23, 2005- Ordered to be printed
Mr. SHELBY, from the Committee on Appropriations, submitted the following
REPORT [To accompany H.R. 2862]

[108]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

Appropriations, 2005:	\$330,803,000
Budget estimate, 2006:	318,250,000
House allowance:	330,803,000
Committee recommendation:	324,527,000

The Committee recommends an appropriation of \$324,527,000. The recommendation is \$6,276,000 below the fiscal year 2005 funding level and \$6,277,000 above the budget request. The Committee recommendation assumes the requested offsets of \$400,000.

The Committee recommendation includes \$306,568,000 for basic field programs, to be used for competitively-awarded grants and contracts, \$12,588,000 for management and administration, \$1,232,000 for client self-help and information technology, \$2,764,000 for the Office of the Inspector General, and \$1,775,000 for grants to offset losses due to census adjustments.

ADMINISTRATIVE PROVISIONS

The Committee recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105-119) regarding operation of this program to provide basic legal services to poor individuals and the restrictions on the use of Legal Services Corporation [LSC] funds.

Grantees must agree not to engage in litigation and related activities with respect to a variety of matters including: (1) redis-

[109]

tricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) collection of attorney fees; (6) abortion; (7) prisoner litigation; (8) welfare reform; (9) representation of charged drug dealers during eviction proceedings; and (10) solicitation of clients. The exception to the restrictions in a case where there is imminent threat of physical harm to the client or prospective client remains in place.

The manner in which the LSC grantees are audited through contracts with certified public accountants for financial and compliance audits are continued, along with the provisions on recompetition and debarment.

**Legal Services Corporation FY 2007 Appropriation via
Continuing Resolution**

**Public Law No. 110-5
121 Stat. 8
H. J. Res.20
February 15, 2007**

JOINT RESOLUTION

**MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR
2007, AND FOR OTHER PURPOSES.**

Sec. 2. The Continuing Appropriations Resolution, 2007 (Public Law 109-289, division B), as amended by Public Laws 109-369 and 109-383, is amended to read as follows:

DIVISION B—CONTINUING APPROPRIATIONS RESOLUTION, 2007

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2007, and for other purposes, namely:

TITLE I—FULL-YEAR CONTINUING APPROPRIATIONS

Sec. 101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in the applicable appropriations Act for fiscal year 2006, for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise provided for and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

Sec. 102. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

Sec. 103. Appropriations provided by this division that, in the applicable appropriations Act for fiscal year 2006, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

Sec. 104. Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 101(a) shall continue in effect through the date specified in section 106.

Sec. 105. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were specifically prohibited during fiscal year 2006.

Sec. 106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available through September 30, 2007.

Sec. 107. Expenditures made pursuant to this division prior to the enactment of the Revised Continuing Appropriations Resolution, 2007, shall be charged to the applicable appropriation, fund, or authorization provided by this division (or the applicable regular appropriations Act for fiscal year 2007) as in effect following such enactment.

Sec. 108. Funds appropriated by this division may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

Sec. 109. With respect to any discretionary account for which advance appropriations were provided for fiscal year 2007 or 2008 in an appropriations Act for fiscal year 2006, the levels established by section 101 shall include advance appropriations in the same amount for fiscal year 2008 or 2009, respectively, with a comparable period of availability.

Sec. 112. Any language specifying an earmark in a committee report or statement of managers accompanying an appropriations Act for fiscal year 2006 shall have no legal effect with respect to funds appropriated by this division.

Sec. 115. Notwithstanding any other provision of this division and notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), the percentage adjustment scheduled to take effect under such section for 2007 shall not take effect.

Sec. 20918. Notwithstanding section 101, the level for “Legal Services Corporation, Payment to the Legal Services Corporation” shall be \$348,578,000.

Legal Services Corporation FY 2008 Appropriation**Public Law No: 110—161****121 Stat. 1844****December 26, 2007****CONSOLIDATED APPROPRIATIONS ACT, 2008****SEC. 4. EXPLANATORY STATEMENT.**

The explanatory statement regarding the consolidated appropriations amendment of the House of Representatives to the amendment of the Senate to H.R. 2764, printed in the House section of the Congressional Record on or about December 17, 2007 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through K of this Act as if it were a joint explanatory statement of a committee of conference.

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2008****TITLE IV – RELATED AGENCIES**

[*1923]

LEGAL SERVICES CORPORATION**PAYMENT TO THE LEGAL SERVICES CORPORATION**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$350,490,000, of which \$332,390,000 is for basic field programs and required independent audits; \$3,000,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$12,500,000 is for management and administration; \$2,100,000 is for client self-help and information technology; and \$500,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d).

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2007 and 2008, respectively.

[*1924]

TITLE V – GENERAL PROVISIONS

SEC. 540. Section 504(a)(11)(E) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134; 110 Stat. 1321-55) is amended by inserting before ‘an alien’ the following: ‘a nonimmigrant worker admitted to, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for forestry labor or’.

[The amended text now reads:

A non-immigrant worker admitted do, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and nationality Act (8 U.S.C. 1109(a)(15)(H)(ii)(b)) for forestry labor or an alien to whom section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) applies, but only to the extent that the legal assistance provided is the legal assistance described in such section.]

193 Cong. Rec. H15741 (daily ed.)
December 17, 2007, Book II

EXPLANATORY STATEMENT SUBMITTED BY MR. OBEY, CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS, REGARDING THE CONSOLIDATED APPROPRIATIONS AMENDMENT OF THE HOUSE OF REPRESENTATIVES TO THE SENATE AMENDMENT TO H.R. 2764

[Page H15826]

*LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION*

The amended bill includes \$350,490,000 for payment to the Legal Services Corporation (LSC), instead of \$377,000,000 as proposed by the House, and \$390,000,000 as proposed by the Senate. Within the funds provided, \$332,390,000 is for basic field programs, to be used for competitively awarded grants and contracts; \$3,000,000 is for the Inspector General; \$12,500,000 is for management and administration; \$2,100,000 is for client self-help and information technology; and \$500,000 is for loan repayment assistance.

Current LSC locality pay represents reasonable compensation for LSC officers and employees, and language is included to authorize the continuation of locality pay.

ADMINISTRATIVE PROVISION - LEGAL SERVICES CORPORATION

The amended bill includes bill language to continue the terms and conditions included under this section in previous appropriations Acts.

TITLE V—GENERAL PROVISIONS

Section 540--The amended bill includes section 540 related to services of the Legal Services Corporation.

Legal Services Corporation FY 2009 Appropriation

Public Law No: 111–8

123 Stat. 524

March 11, 2009

CONSOLIDATED APPROPRIATIONS ACT, 2009

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about February 23, 2009 by the Chairman of the Committee on Appropriations of the House shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2009**

TITLE IV – RELATED AGENCIES

[[Page 123 STAT. 593]]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$390,000,000, of which \$365,800,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$16,000,000 is for management and administration; \$3,000,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d).

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2008 and 2009, respectively.

[[Page 123 STAT. 598]]

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009”.

*193 Cong. Rec. H1653 (daily ed.)
February 23, 2009*

EXPLANATORY STATEMENT SUBMITTED BY MR. OBEY, CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS, REGARDING THE OMNIBUS APPROPRIATIONS ACT, 2009 OF THE HOUSE OF REPRESENTATIVES H.R. 1105

*LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION*

The bill provides \$390,000,000 for the Legal Services Corporation (LSC). Within the total provided, \$365,800,000 is for grants to basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General; \$16,000,000 is for management and administration; \$3,000,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance.

Current LSC locality pay represents reasonable compensation for LSC officers and employees, and a provision is included to authorize the continuation of locality pay.

ADMINISTRATIVE PROVISION - LEGAL SERVICES CORPORATION

The bill includes language to continue the statutory requirements and restrictions contained in previous appropriations Acts.

Legal Services Corporation FY 2010 Appropriation**Public Law No: 111-117****123 Stat. 3034****December 16, 2009****CONSOLIDATED APPROPRIATIONS ACT, 2010****DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2010***[General Provision 533 eliminates the 1996 attorneys' fees restriction]*

[[Page 123 STAT. 3139]]

Sec. 205.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

TITLE IV – RELATED AGENCIES

[[Page 123 STAT. 3148]]

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$420,000,000, of which \$394,400,000 is for basic field programs and required independent audits; \$4, 200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in the Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2009 and 2010, respectively.

TITLE V – GENERAL PROVISIONS

[[Page 123 STAT. 3157]]

Sec. 533. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended by striking paragraph (13). *[Striking the FY 1996 attorneys' fees restriction.]*

[[Page 123 STAT. 3158]]

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010”.

111TH CONGRESS 1ST SESSION
 Conference Report 111-366
 HOUSE OF REPRESENTATIVES
 December 8, 2009

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND
 RELATED AGENCIES APPROPRIATIONS ACT, 2010
 To accompany H.R. 3288

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3288), making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

LEGAL SERVICES CORPORATION
 PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement provides \$420,000,000 for the Legal Services Corporation (LSC).

Accountability and oversight.—Over the past three years, GAO, the LSC Inspector General and the Audit Committee of the LSC Board of Directors have issued multiple findings of management and oversight weaknesses at the Corporation. LSC has made a public commitment to address each of these findings, and, as evidenced by recent GAO testimony, has made progress by implementing necessary corrective actions in a number of areas. However, as also evidenced by GAO’s testimony, additional work remains to complete the full list of recommended actions.

The conferees have been, and remain, concerned about these gaps in LSC’s management and accountability controls, which leave the Corporation vulnerable to improper expenditures or instances of waste by grantees. The timely resolution of these remaining issues must be a Corporation priority. Consequently, the conferees direct the Corporation’s President and Chairman of the Board of Directors to report jointly to the House and Senate Committees on Appropriations no later than February 1, 2010, to certify that the Corporation has met the requirements for management practices and policies, as well as governance standards and guidelines.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

A general provision in Title V of the bill revises the administrative provision in order to permit grantees to pursue the recovery of attorney’s fees when recovery is permitted or required under Federal or State law. The conferees believe that this action will level the playing field between legal aid attorneys and their counterparts in the private sector and provide a potentially crucial source of additional revenue to legal aid providers in a year in which State and private funding sources are decreasing.

111TH CONGRESS 1ST SESSION

HOUSE REPORT 111-149

June 12, 2009

[Recommending \$440,000,000 and lifting the attorneys' fees restriction.]

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2010

[To accompany H.R. 2847]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for Commerce, Justice, Science, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

<i>Fiscal Year 2009 enacted</i>	<i>\$390,000,000</i>
<i>Fiscal Year 2010 request</i>	<i>435,000,000</i>
<i>Recommended in the bill</i>	<i>440,000,000</i>
<i>Bill compared with:</i>	
<i>Fiscal Year 2009 enacted</i>	<i>+50,000,000</i>
<i>Fiscal Year 2010 request</i>	<i>+5,000,000</i>

The Legal Services Corporation (LSC) is a private, non-profit corporation that provides free civil legal assistance, according to locally-determined priorities, to people living in poverty. For fiscal year 2010, the Committee recommends \$440,000,000, which is \$5,000,000 above the budget request.

Increasing financial impact.—Given the increasing demand for legal aid services and the contraction of non-federal legal aid funding sources, it is critical for LSC to identify every possible means to increase the impact of its Federally appropriated dollars. Obtaining more services at no or low cost through private attorney involvement would provide one such means, and the Committee encourages LSC to increase its efforts to do so. The Committee also encourages LSC to reevaluate its prioritization between basic field grants and Technology Initiative Grants (TIG). LSC has provided examples of how effective TIG implementation has increased efficiency, allowed grantees to serve a greater total number of clients and freed up attorney resources for use on the most complex cases. With these benefits in mind, the Committee hopes that LSC will consider more significant increases to the TIG program when making future funding requests.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

A general provision in Title V of the bill revises the administrative provision in order to permit grantees to pursue the recovery of attorney's fees when recovery is permitted or required under Federal or State law. The Committee believes that this action will level the playing field between legal aid attorneys and their counterparts in the private sector and provide a potentially crucial source of additional revenue to legal aid providers in a year in which state and private funding sources are decreasing.

[Title V, Sec. 533. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended by striking paragraph (13) [regarding attorneys' fees].]

111TH CONGRESS 1ST SESSION
 SENATE REPORT 111-34
 June 25, 2009

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED
 AGENCIES APPROPRIATIONS BILL, 2010
 [To accompany H.R. 2847]

[Recommending \$400,000,000 and lifting the 1996 restrictions on non-federal funds except for restrictions on abortion-related litigation and prisoner litigation.]

LEGAL SERVICES CORPORATION
 PAYMENT TO THE LEGAL SERVICES CORPORATION

<i>Appropriations, 2009</i>	<i>\$390,000,000</i>
<i>Budget estimate, 2010</i>	<i>435,000,000</i>
<i>House allowance</i>	<i>440,000,000</i>
<i>Committee recommendation</i>	<i>400,000,000</i>

The Committee recommendation provides \$400,000,000 for payment to the Legal Services Corporation [LSC]. The recommendation is \$10,000,000 above the fiscal year 2009 enacted level and \$35,000,000 below the budget request.

The Committee recommendation provides \$374,600,000 for basic field programs, to be used for competitively awarded grants and contracts, \$17,000,000, for management and administration, \$3,400,000 for client self-help and information technology, \$4,000,000 for the Office of the Inspector General and \$1,000,000 is for loan repayment assistance.

ADMINISTRATIVE PROVISIONS

The Committee recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105-119) regarding operation of this program to provide basic legal services to disadvantaged individuals and the restrictions on the use of LSC funds.

LSC funds cannot be used to engage in litigation and related activities with respect to a variety of matters including: (1) redistricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) collection of attorney fees; (6) abortion; (7) prisoner litigation; (8) welfare reform; (9) representation of charged drug dealers during eviction proceedings; and (10) solicitation of clients. The exception to the restrictions occurs in a case where there is imminent threat of physical harm to the client or prospective client remains in place.

The manner in which the LSC grantees are audited through contracts with certified public accountants for financial and compliance audits are continued, along with the provisions on recompetition and debarment.

The Committee recognizes that the LSC current percentage locality pay represents reasonable compensation for LSC officers and employees. The Committee expects that any locality pay will continue to be paid at that percentage.

Section 532 lifts certain restrictions on private and State funding to LSC grantees.

[Title V, Sec. 532. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended:

- (1) in subsection (a), in the matter preceding paragraph (1), by inserting after `)' the following: `that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15)) in a manner';*
- (2) by striking subsection (d); and*
- (3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.]*

Legal Services Corporation FY 2011 Appropriation

**Public Law No: 112-10
125 Stat. 38
April 15, 2011**

For FY 2011 Congress reenacted by reference the FY 2010 LSC appropriation with changes to the funding levels. Reprinted below are the relevant provisions of Public Law 112-10 and the salient changes to the FY 2010 language. Otherwise all of the provisions in FY 2010 not reprinted below apply in full force to the FY 2011 appropriated funds as they appear in Public Law 111-117 above.

**DEPARTMENT OF DEFENSE AND FULL-YEAR
CONTINUING APPROPRIATIONS ACT, 2011**

[[Page 125 STAT. 102]]

DIVISION B—FULL-YEAR CONTINUING APPROPRIATIONS, 2011

TITLE I—GENERAL PROVISIONS

Sec. 1101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2010, for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

[[Page 125 STAT. 103]]

(6) The Consolidated Appropriations Act, 2010 (Public Law 111-117).

(b) For purposes of this division, the term “level” means an amount.

Sec. 1102. Appropriations made by section 1101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

[[Page 125 STAT. 107]]

Sec. 1119. (a) Across-the-Board Rescissions—

There is hereby rescinded an amount equal to 0.2 percent of—

- (1) the budget authority provided for fiscal year 2011 for any discretionary account of this division; and
- (2) the budget authority provided in any advance appropriation for fiscal year 2011 for any discretionary account in any prior fiscal year appropriation Act.

(b) Proportionate Application—

Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports referenced in section 1101 covering such account or item).

[[Page 125 STAT. 119]]

TITLE III—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

[[Page 125 STAT. 123]]

Sec. 1341. Notwithstanding section 1101, amounts are provided for “Legal Services Corporation, Payment to the Legal Services Corporation” in division B of Public Law 111-117 in the manner authorized in Public Law 111-117 for fiscal year 2010, except that for fiscal year 2011 the amounts specified in division B of Public Law 111-117 shall be modified by substituting—

- (1) “\$405,000,000” for “\$420,000,000”; and
- (2) “\$379,400,000” for “\$394,400,000”.

[[Page 125 STAT. 199]]

This division may be cited as the “Full-Year Continuing Appropriations Act, 2011”.

RESTATED AND AMENDED PROVISIONS OF FY 2010 APPROPRIATION

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, ~~\$405,000,000~~ ~~\$420,000,000~~, of which ~~\$379,400,000~~ ~~\$394,400,000~~ is for basic field programs and required independent audits; \$4, 200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services

Corporation. *{Amended by Pub. L. 111-10, Div. B, Title III, §1341, each amount herein further subject to a 0.2 percent rescission pursuant to Pub. L. 111-10, Div. B, Title I, §1119.}*

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in the Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2009 and 2010, respectively. *{References to 2009 and 2010 implicitly updated to 2010 and 2011 by Pub. L. 111-10, Div. B, Title I, §§1101 & 1102.}*

HOUSE, SENATE OR CONFERENCE REPORTS

There are no relevant House, Senate or Conference Reports on the FY 2011 LSC Appropriation by the 112th Congress. The 111th Congress, which originated appropriations for FY 2011, did not act on LSC funding. In the 111th Congress, the Senate Appropriations Committee had reported on FY 2011 funding for LSC, changes to the restrictions, and additional requirements. The House Appropriations Committee did not act on LSC's appropriation. The Senate language and report are reprinted below.

Senate Committee on Appropriations—FY 2011 LSC Appropriation

[S. 3636 was reported by the Senate Committee on Appropriations, but not voted on by the Senate or the House.]

[S. 3636 would have provided \$430 million, lifted the 1996 restrictions on non-Federal funds except for abortion-related litigation and prisoner litigation, and withheld \$10 million pending resolution of GAO and OIG reports.]

111th CONGRESS, 2d Session

S. 3636

[Report No. 111-229]

Making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2011, and for other purposes.

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$430,000,000, of which \$401,700,000 is for basic field programs and required independent audits; \$4,300,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$20,000,000 is for management and grants oversight; \$3,000,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION--LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2010 and 2011, respectively.

Section 504 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended:

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after “)” the following: “that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15) in a manner”;

(2) by striking subsection (d) ; and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

TITLE V—GENERAL PROVISIONS

Sec. 541. (a) Using funds appropriated to the Legal Services Corporation (“Corporation”) in this Act, the Corporation shall comply with, and ensure that recipients and recipient attorneys comply with, the corresponding recommendations contained in the provisions of—

(1) the report entitled “Governance and Accountability Practices Need to Be Modernized and Strengthened”, GAO-07-993, issued August 2007 by the Government Accountability Office;

(2) the report entitled “Improved Internal Controls Needed in Grants Management and Oversight”, GAO-08-37, issued December 2007 by the Government Accountability Office;

(3) the report entitled “Selected Internal Controls at Legal Services NYC”, Report No. AU09-01, issued December 11, 2008 by the Office of Inspector General of the Corporation;

(4) the report entitled “Selected Internal Controls at Legal Aid and Defender Association, Inc.”, Report No. AU09-02, issued February 5, 2009 by that Office of Inspector General;

(5) the report entitled “Selected Internal Controls at California Indian Legal Services”, Report No. AU09-03, issued March 27, 2009 by that Office of Inspector General;

(6) the report entitled “Selected Internal Controls at Legal Assistance Foundation of Metropolitan Chicago”, Report No. AU08-05, issued September 30, 2008 by that Office of Inspector General;

(7) the report entitled “Selected Internal Controls at Philadelphia Legal Assistance Center”, Report No. AU08-04, issued August 14, 2008 by that Office of Inspector General;

(8) the report entitled “Legal Services Corporation FY 2008 Financial Statement Audit Report”, issued January 28, 2009 by that Office of Inspector General;

(9) the report entitled “Audit of Legal Services Corporation’s Consultant Contract”, Report No. AU09-05, issued July 7, 2009 by that Office of Inspector General;

(10) the report entitled “Selected Internal Controls at Legal Aid of Northwest Texas”, Report No. AU09-06, issued August 10, 2009 by that Office of Inspector General; and

(11) the report entitled “Protocol for the Acceptance and Use of Private Contributions to LSC”, issued August 2008 by the Audit Committee of the Board of Directors of the Corporation.

(b) The Corporation may not expend \$10,000,000 of the funds described in subsection (a) until the President and the Chairman submit the certification described in subsection (c).

(c) The President and the Chairman shall, not later than 30 days after enactment of this Act, determine whether the Corporation has met the requirements of subsection (a). The President and the Chairman shall make the determination based on the standards, best management practices, and guidelines in the provisions described in subsection (a). If the President and the Chairman determine that the Corporation has met the requirements, the President and the Chairman shall submit a certification to the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate. Upon the President’s and the Chairman’s joint submission of the certification, the Corporation may expend the amount described in subsection (b).

(d) In this section, the terms “Corporation” and “recipient” have the meanings given the terms in section 1002 of the Legal Services Corporation Act (42 U.S.C. 2996a).

(e) In this section, the terms “President” and “Chairman” refer to the President of the Legal Services Corporation and the Chairman of the Board of the Legal Services Corporation.

111TH CONGRESS, 2d Session

Senate Report 111-229
 DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED
 AGENCIES APPROPRIATIONS BILL, 2011

July 22, 2010

[To accompany S. 3636]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

Appropriations, 2010	\$420,000,000
Budget estimate, 2011	435,000,000
Committee recommendation	430,000,000

The Committee recommendation provides \$430,000,000 for payment to the Legal Services Corporation [LSC]. The recommendation is \$10,000,000 above the fiscal year 2010 enacted level and \$5,000,000 below the budget request.

The Committee recommendation provides \$401,700,000 for basic field programs, to be used for competitively awarded grants and contracts, \$20,000,000, for management and administration, \$3,000,000 for client self-help and information technology, \$4,300,000 for the Office of the Inspector General and \$1,000,000 is for loan repayment assistance.

ADMINISTRATIVE PROVISIONS

The Committee recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105-119) regarding operation of this program to provide basic legal services to disadvantaged individuals and the restrictions on the use of LSC funds.

LSC funds cannot be used to engage in litigation and related activities with respect to a variety of matters including: (1) redistricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) abortion; (6) prisoner litigation; (7) welfare reform; (8) representation of charged drug dealers during eviction proceedings; and (9) solicitation of clients. The exception to the restrictions occurs in a case where there is imminent threat of physical harm to the client or prospective client remains in place.

The manner in which the LSC grantees are audited through contracts with certified public accountants for financial and compliance audits are continued, along with the provisions on recompetition and debarment.

The Committee recognizes that the LSC current percentage locality pay represents reasonable compensation for LSC officers and employees. The Committee expects that any locality pay will continue to be paid at that percentage.

Accountability and Oversight- The Committee is disappointed that the LSC has yet to certify to the House and Senate Committees on Appropriations, as directed in the explanatory statement accompanying Public Law 111-117, that it has met the requirements for management practices and policies, as well as governance standards and guidelines, stated in GAO and LSC Inspector audits. The timely resolution of these outstanding issues must be a priority of the Corporation.

TITLE V—GENERAL PROVISIONS

Section 541 requires the Legal Services Corporation to comply with audits by the Government Accountability Office [GAO] and the Corporation’s Inspector General

Legal Services Corporation FY 2012 Appropriation

**Public Law No: 112-55
125 Stat. 552
November 18, 2011**

CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

[[Page 125 STAT.591]]

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2012**

[[Page 125 STAT. 678]]

TITLE IV - RELATED AGENCIES

[[Page 125 STAT.629]]

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$348,000,000, of which \$322,400,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to

[[Page 125 STAT. 630]]

1997 and 1998 shall be deemed to refer instead to 2011 and 2012, respectively.

[[Page 125 STAT. 619]]

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Sec. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012”.

House Report [Conference] 112-284 to accompany H.R. 2112 (Public Law 112-55) the FY 2012 “Minibus” Appropriation including the FY 2012 LSC Appropriation.

Report 112-284

***AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012, AND FOR OTHER PURPOSES
CONFERENCE REPORT
to accompany
H.R. 2112***

***LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION***

The conference agreement includes \$348,000,000 for the Legal Services Corporation (LSC).

Pro bono legal services- The conferees are pleased that LSC launched a pro bono task force in 2011 and urge the LSC to implement the recommendations of this task force as it continues to work with LSC-funded programs to adopt measures aimed at increasing the involvement of private attorneys in the delivery of legal services to its clients.

Legal aid fellowships- The conferees understand that LSC is considering a proposal to create a fellowship program for retirees or recent law school graduates who will commit to working in legal aid for a designated period of time. The conferees direct LSC to conduct a study of this proposal in order to further develop how such a fellowship program would work and how much it would cost to implement. LSC shall report to the Committees on Appropriations with the results of that study not later than 120 days after the enactment of this Act.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

Unauthorized uses of funds- The conferees encourage the Inspector General of the LSC to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions on engaging in political activities or any of the other restrictions by which LSC grantees are required to abide. The conferees also recommend the removal of funds from any LSC grantee determined by the Inspector General to have engaged in political activity.

Senate Committee on Appropriations FY 2012 LSC Appropriation

[S. 1572 was reported by the Senate Committee on Appropriations, but not voted on by the Senate or the House.]

[S. 1572 would have provided \$396,106,000 and lifted 1996 restrictions on non-Federal funds except for abortion-related litigation prisoner litigation.]

112th CONGRESS, 1st Session
S. 1572

Making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes.

**Legal Services Corporation
Payment to the Legal Services Corporation**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$396,106,000, of which \$370,506,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

Administrative Provision—Legal Services Corporation

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2011 and 2012, respectively.

Section 504 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended:

- (1) in subsection (a), in the matter preceding paragraph (1), by inserting after “)” the following: “that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15) in a manner”;*
- (2) by striking subsection (d) [regarding notice to non-LSC funders]; and*
- (3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.*

Senate Report 112-078 to accompany S. 1572

[S. 1572 was reported by the Senate Committee on Appropriations, but not voted on by the Senate or the House.]

**Senate Report 112-078
DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS BILL, 2012**

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

<i>Appropriations, 2011</i>	<i>\$404,190,000</i>
<i>Budget estimate, 2012</i>	<i>450,000,000</i>
<i>Committee recommendation</i>	<i>396,106,000</i>

The Committee recommendation provides \$396,106,000 for payment to the Legal Services Corporation [LSC]. The recommendation is \$8,084,000 below the fiscal year 2011 enacted level, and \$53,894,000 below the budget request.

The Committee recommendation provides \$370,506,000 for basic field programs, to be used for competitively awarded grants and contracts; \$17,000,000 for management and administration; \$3,400,000 for client self-help and information technology; \$4,200,000 for the Office of the Inspector General; and \$1,000,000 for loan repayment assistance.

Governance and Management- Continuing reports of governance and management issues at LSC undermine the credibility of the organization and complicate efforts to direct additional funds into legal aid, where they are desperately needed. Progress has been made in completing action on reform recommendations identified by GAO and the LSC Inspector General, but some recommendations remain outstanding and additional issues have been raised. The timely resolution of these issues must be a priority of the Corporation so that management and governance questions do not continue to overshadow the good work being done by LSC and its grantees.

Cost Effectiveness Studies- The Committee directs LSC to continue its collaboration with the Department of Justice to conduct a national level economic study of the cost effectiveness of legal aid that would expand on existing state models and establish more broadly applicable results.

Private Attorney Involvement- All LSC grantees are required to take steps to incentivize private attorney involvement in their programs, but these efforts are not performing up to their potential. By making a more aggressive push for pro bono private attorney services, grantees could alleviate some pressure on their own budgets and increase the number of clients served. LSC is urged to seek further action from its grantees to improve private attorney participation.

Legal Aid Fellowships- LSC is reportedly considering a proposal to create a fellowship program for retirees or recent law school graduates who will commit to working in legal aid for a designated period of time. LSC is directed to conduct a study of this proposal in order to further develop how such a fellowship program would work and how much it would cost to implement. LSC shall report to the Committee with the results of that study no later than 120 days after the enactment of this act.

ADMINISTRATIVE PROVISION—LEGAL SERVICE CORPORATION

The Committee recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105-119) regarding operation of this program to provide basic legal services to disadvantaged individuals and the restrictions on the use of LSC funds.

LSC funds cannot be used to engage in litigation and related activities with respect to a variety of matters including: (1) redistricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) abortion; (6) prisoner litigation; (7) welfare reform; (8) representation of charged drug dealers during eviction proceedings; and (9) solicitation of clients. The exception to the restrictions occurs in a case where there is imminent threat of physical harm to the client or prospective client.

The bill makes no changes to the permanent restrictions established under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.). As it did in fiscal years 2010 and 2011, the Committee provides language that affects only the 1996 appropriations rider in the following manner: (1) keeps the restriction on use of funds from all private and public sources for abortion-related litigation and representation of prisoners; and (2) lifts the restriction on use of funds from all private sources—but keeps the restriction on use of all public sources—for all other activities currently restricted by the rider. This provision was included to level the playing field between legal aid attorneys and their counterparts in the private sector and open potentially crucial sources of additional revenue to legal aid providers in a year in which State and private funding sources are decreasing.

The manner in which the LSC grantees are audited through contracts with certified public accountants for financial and compliance audits are continued, along with the provisions on recompetition and debarment.

The Committee recognizes that the LSC current percentage locality pay represents reasonable compensation for LSC officers and employees. The Committee expects that any locality pay will continue to be paid at that percentage.

House Committee on Appropriations FY 2012 LSC Appropriation

[H.R. 2596 was reported by the House Committee on Appropriations, but not voted on by the House or the Senate.]

[H.R. 2596 would have provided \$300,000,000.]

112th CONGRESS
1st Session
H. R. 2596

Making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes.

**Legal Services Corporation
Payment to the Legal Services Corporation**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$300,000,000, of which \$274,400,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d).

Administrative Provision—Legal Services Corporation

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2011 and 2012, respectively.

House Report 112-169 to accompany H. R. 2596

[H.R. 2596 was reported by the House Committee on Appropriations, but not voted on by the House or the Senate.]

House Report 112-169
COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2012

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION

The Committee recommends \$300,000,000 for the Legal Services Corporation (LSC), which is \$104,190,000 below fiscal year 2011 and \$150,000,000 below the request.

Pro Bono Legal Services- Obtaining more services at no or low cost through private attorney involvement is one means for LSC to increase legal aid services. In January, the Committee contacted the American Bar Association (ABA) and all fifty State bar associations to underscore the need for additional pro bono legal assistance during times of budget austerity. The Committee's correspondence noted that the American people have made clear that they want Congress to rein in Federal spending, and that reductions would be felt by all recipients of Federal funds, including LSC. The Committee requested that the ABA and the State bar associations reemphasize the importance of private attorney involvement with LSC-funded programs and work closely with LSC to help address unmet needs for civil legal assistance in order to help mitigate the effects of future funding reductions. Unfortunately, only three States and the American Bar Association responded to the Committee's letter.

The Committee is pleased that LSC launched a pro bono task force in 2011, and urges the LSC to implement the recommendations of this task force as it continues to work with LSC-funded programs to adopt measures aimed at increasing the involvement of private attorneys in the delivery of legal services to its clients.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2011 and 2012, respectively.

Unauthorized uses of funds- The Committee was dismayed to learn that a recent publication by an LSC grantee contained needless political representations and evidenced ideological biases. On June 28, 2011, the Inspector General of LSC reinforced the Committee's concerns when he announced his determination that the grantee, Legal Aid of North Carolina, engaged in political activity which would be prohibited by section 1007(a)(6)(A) of the Legal Services Corporation

Act if LSC funds, or non-LSC private funds, were used to support the creation and distribution of the publication. Because LSC routinely testifies that it lacks funds to serve all of the many low income Americans in need of civil legal assistance, it is all the more important that LSC grantees not squander funds on political activism. Using Federal funds in violation of the LSC statute undermines the confidence necessary to sustain annual funding for the LSC. The Committee encourages the Inspector General of the LSC to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions on engaging in political activities or any of the other restrictions by which LSC grantees are required to abide. The Committee further recommends the removal of funds from any LSC grantee found engaging in political activity.

**Legal Services Corporation FY 2013 Appropriation
With Selected General Provisions**

**Public Law No: 113-6
127 Stat. 198
March 26, 2013**

CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2013

SEC. 4. EXPLANATORY STATEMENT

The explanatory statement regarding this Act printed in the Senate section of the Congressional Record on or about March 11, 2013, by the Chairwoman of the Committee on Appropriations of the Senate shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2013**

TITLE IV - RELATED AGENCIES

[[Page 127 STAT. 267]]

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

[The appropriated amounts were subjected to rescissions in Division G (1.877% and 0.2%) and sequestration (5%). The net appropriated amounts are:

<i>Total</i>	\$339,926,165
<i>Basic Field</i>	\$316,144,749
<i>TIG</i>	\$3,158,470
<i>MGO</i>	\$15,792,345
<i>OIG</i>	\$3,901,639
<i>LRAP</i>	\$928,962

Additionally, LSC received a supplemental appropriation for Hurricane Sandy relief grants of \$1,000,000, reduced to \$950,000 after sequestration, which appears below. Combined, LSC received \$340,876,165 for FY 2013.]

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$365,000,000, of which \$339,400,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan

[[Page 127 STAT. 268]]

repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of section 505 of this division, and section 3003 of division G, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively.

Section 501(a)(2)(A) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134) is amended by striking “on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code” and inserting “triennially by the Bureau of the Census, except that, with respect to fiscal year 2013, the change in allocation resulting from the amendment made to this subparagraph by the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2013 shall only be half of the change which would otherwise result from that amendment in order to phase in the change over a 2 year period”.

[See page 2 for amended text.]

[[Page 127 STAT. 257]]

**TITLE II—DEPARTMENT OF JUSTICE
GENERAL PROVISIONS—DEPARTMENT OF JUSTICE**

Sec. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

TITLE V

[[Page 127 STAT. 269]]

GENERAL PROVISIONS

Sec. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2013, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates or initiates a new program, project or activity;
- (2) eliminates a program, project or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes or renames offices, programs or activities;
- (6) contracts out or privatizes any functions or activities presently performed by Federal employees;
- (7) augments existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or
- (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved

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by Congress;

unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

[[Page 127 STAT. 271]]

Sec. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

Sec. 513. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

[[Page 127 STAT. 272]]

Sec. 515. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

[[Page 127 STAT. 275]]

Sec. 524. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General Web site by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

Sec. 525. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

[[Page 127 STAT. 276]]

Sec. 528. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301-10.122 through 301-10.124 of title 41 of the Code of Federal Regulations.

[[Page 127 STAT. 277]]

Sec. 532. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

Sec. 533. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are “Energy Star” qualified or have the “Federal Energy Management Program” designation.

[[Page 127 STAT. 278]]

Sec. 539. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

Sec. 540. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, unless an agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

Sec. 541. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a

loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless an agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2013”.

DIVISION G--OTHER MATTERS

[[Page 127 STAT. 434]]

Sec. 3001. *[Rescission—1.877% for Division B including LSC]*

[[Page 127 STAT. 435]]

Sec. 3002 *[Applicability of Presidential sequestration orders]*

Sec. 3003. *[Made applicable to LSC]* (a) The head of any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2013 for which the cost to the United States Government was more than \$100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period--

- (1) a description of its purpose;
- (2) the number of participants attending;
- (3) a detailed statement of the costs to the United States Government, including--
 - (A) the cost of any food or beverages;
 - (B) the cost of any audio-visual services;
 - (C) the cost of employee or contractor travel to and from the conference; and

[[Page 127 STAT. 436]]

- (D) a discussion of the methodology used to determine which costs relate to the conference; and
- (4) a description of the contracting procedures used including--
 - (A) whether contracts were awarded on a competitive basis; and
 - (B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

(c) Within 15 days of the date of a conference held by any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act during

fiscal year 2013 for which the cost to the United States Government was more than \$20,000, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending such conference.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act to an Executive branch agency may not be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M-12-12 dated May 11, 2012. *[Travel policy applies only to CFO Act agencies—not LSC. Other provisions apply to LSC.]*

Sec. 3004. *[Rescission for BBEDCA—0.2% for Division B including LSC (as determined by OMB)]*

**EXPLANATORY STATEMENT FOR THE SENATE SUBSTITUTE CONTINUING
RESOLUTION**

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2013**

Report language included in House Report 112–463 (“the House report”) or Senate Report 112–158 (“the Senate report”) that is not changed by this explanatory statement or this Act is approved. The explanatory statement, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein. In cases where both the House report and the Senate report address a particular issue not specifically addressed in the explanatory statement, the House report and the Senate report should be read as consistent and are to be interpreted accordingly. In cases where the House report or the Senate report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

[51]

Section 205 [of Title II] establishes requirements and procedures for transfer proposals.

[69]

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

This Act includes \$365,000,000 for the Legal Services Corporation (LSC).

Pro bono task force.—It is encouraging that the LSC launched a pro bono task force, which released its report this fall. The LSC is urged to implement the recommendations as it continues to work with grantees to adopt measures aimed at increasing the involvement of private attorneys in the delivery of legal services to their clients.

Pro bono innovation program.—The pro bono task force’s recommendation for the creation of a pro bono innovation program is encouraging, and LSC believes it has authority under the Legal Services Corporation Act to establish this program. LSC is directed to submit a reprogramming request to the Committees on Appropriations before starting the program.

Headquarters management.—Language is incorporated from the Senate report regarding LSC headquarters’ efforts to incite stakeholders into actively lobbying Congress on budget issues with Federal dollars appropriated to headquarters. The funding expended in these efforts may be better used towards providing services to those in need of LSC counseling in the field. LSC is directed to re-examine its headquarters structure and identify areas of duplication for consolidation or elimination in an effort to provide a more efficient and cost-saving structure,

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and send more funding to those in the field in need of LSC services. LSC shall report these findings to the Committees on Appropriations within 90 days of enactment of this Act.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

Unauthorized uses of funds.—The Inspector General of the LSC is encouraged to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions on engaging in political activities or any of the other restrictions by which LSC grantees are required to abide. The removal of funds from any LSC grantee determined by the Inspector General to have engaged in unauthorized political activity is recommended.

Allocation of basic field grants.—Language, modified from H.R. 5326 of the 112th Congress, making a technical change to the allocation formula for basic field grants is included. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134) required that the allocation for grantees in each geographic area be based on poverty statistics from the “most recent decennial census.” The Census Bureau has since stopped collecting poverty data in the decennial census and instead collects those data in the American Community Survey (ACS). The recommended language alters the formula to reflect this shift. Since ACS data are released more frequently, the language allows reallocation of funding every three years. The language also provides a two-year phase in of the changes. The phase in, which was not included in H.R. 5326 of the 112th Congress, allows grantees to adjust more easily to changes in funding allocations. It is disappointing that LSC waited until the fiscal year 2013 budget request to seek this change, long after it was known that these data would no longer be made available in the decennial census.

[72]

Section 505 prohibits a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employee; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees; (7) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds. Language is included requiring the Department of Justice to notify the Committees 45 days in advance of any such reprogramming.

Division G – Other Matters

Sec. 3001. Provides for across-the-board reductions to the five bills contained in divisions A through E, to assure compliance with the statutory caps under Congressional Budget Office scoring.

Sec. 3002. Provides language affirming that nothing in the bill changes current law with respect to sequestration.

Sec. 3003. Provides government-wide restriction on conferences.

Sec. 3004. Provides for across-the-board reductions to the fiscal year 2013 discretionary appropriations to assure compliance with the statutory caps under Office of Management and Budget scoring.

Senate Committee on Appropriations FY 2013 LSC Appropriation

[S. 2323 was reported by the Senate Committee on Appropriations, but not voted on by the Senate or the House.]

[S. 2323 would have provided \$402,000,000 and lifted the 1996 restrictions on non-Federal funds except for class actions, abortion-related litigation, and prisoner litigation.]

112th CONGRESS, 2nd Session
S. 2323

Making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes.

**Legal Services Corporation
Payment to the Legal Services Corporation**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$402,000,000, of which \$376,800,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,000,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

Administrative Provision—Legal Services Corporation

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively.

Section 504 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended:

- (1) in subsection (a), in the matter preceding paragraph (1), by inserting after ')' the following: `that uses Federal funds (or funds from any source with regard to paragraphs (7), (14) and (15)) in a manner';*
- (2) by striking subsection (d); and*
- (3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.*

Senate Report 112–158 to accompany S.2323

[S. 2323 was reported by the Senate Committee on Appropriations, but not voted on by the Senate or the House. This report is incorporated by the explanatory statement.]

**Senate Report 112–158
DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS BILL, 2013**

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

<i>Appropriations, 2012</i>	<i>\$348,000,000</i>
<i>Budget estimate, 2013</i>	<i>402,000,000</i>
<i>Committee recommendation</i>	<i>402,000,000</i>

The Committee’s recommendation provides \$402,000,000 for payment to the Legal Services Corporation [LSC]. The recommendation is \$54,000,000 above the fiscal year 2012 enacted level, and equal to the budget request.

The Committee’s recommendation provides the full request of \$376,800,000 for basic field programs, to be used for competitively awarded grants and contracts; \$17,000,000 for management and administration; \$3,000,000 for client self-help and information technology; \$4,200,000 for the Office of the Inspector General [OIG]; and \$1,000,000 for loan repayment assistance.

Headquarters Management.—The Committee is concerned about LSC headquarters’ efforts to incite stakeholders into actively lobbying Congress on budget issues with Federal dollars appropriated to headquarters. The Committee feels that the funding expended in these efforts may be better used towards providing services to those in need of LSC counseling in the field. The Committee directs LSC to re-examine its headquarters’ structure and identify areas of duplication for consolidation or elimination in an effort to provide a more efficient and cost-saving structure, and sending more funding to those in the field in need of LSC services. LSC is to report these findings to the Committee within 90 days of enactment of this act.

Governance and Management.—Continuing governance and management problems at LSC undermine the credibility of the organization and complicate efforts to direct additional funds into legal aid where they are desperately needed. Progress has been made in completing action on reform recommendations identified by GAO and the LSC Inspector General, but some recommendations remain outstanding and additional issues have been raised. The timely resolution of these issues must be a priority of the Corporation so that management and governance questions do not continue to overshadow the good work being done by LSC and its grantees.

Pro Bono Legal Services.—The Committee is pleased that LSC launched a pro bono task force in 2011 and urges the LSC to implement the recommendations of this task force as it continues to work with LSC-funded programs to adopt measures aimed at increasing the involvement of private attorneys in the delivery of legal services to its clients.

ADMINISTRATIVE PROVISION—LEGAL SERVICE CORPORATION

The Committee's recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105–119) regarding operation of this program to provide basic legal services to disadvantaged individuals and the restrictions on the use of LSC funds. LSC funds cannot be used to engage in litigation and related activities with respect to a variety of matters including: (1) redistricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) abortion; (6) prisoner litigation; (7) welfare reform; (8) representation of charged drug dealers during eviction proceedings; and (9) solicitation of clients. The exception to the restrictions occurs in a case where there is imminent threat of physical harm to the client or prospective client. The bill makes no changes to the permanent restrictions established under the Legal Services Corporation Act (42 U.S.C. § 2996 et seq.). The Committee provides language that affects only the 1996 appropriations rider in the following manner: (1) keeps the restriction on use of funds from all private and public sources for abortion-related litigation, representation of prisoners, and class action suits; and (2) lifts the restriction on use of funds from all private sources—but keeps the restriction on use of all public sources—for all other activities currently restricted by the rider. This provision was included to level the playing field between legal aid attorneys and their counterparts in the private sector and open potentially crucial sources of additional revenue to legal aid providers in a year in which State and private funding sources are decreasing. *Unauthorized Uses of Funds.*—The Committee encourages the Inspector General of the LSC to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions on engaging in political activities or any of the other restrictions by which LSC grantees are required to abide. The Committee also recommends the removal of funds from any LSC grantee determined by the Inspector General to have engaged in political activity.

House Committee on Appropriations FY 2013 LSC Appropriation

[H.R. 5326 was passed by House, but not voted on by the Senate.]

[H.R. 5326 would have provided \$328,000,000 and amended the FY 1996 funding formula to use triennial data instead of decennial data from the Bureau of the Census.]

112th CONGRESS
2nd Session
H. R. 5326

Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes.

***Legal Services Corporation
Payment to the Legal Services Corporation***

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$328,000,000, of which \$302,400,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: Provided further, That, for the purposes of sections 505, 533 and 535 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

Administrative Provision—Legal Services Corporation

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively. Section 501(a)(2)(A) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134) is amended by striking “on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code” and inserting “triennially by the Bureau of the Census”.

House Report 112-463 to accompany H.R. 5326

*[H.R. 5326 was passed by the House, but not voted on by the Senate.
This report is incorporated by the explanatory statement.]*

House Report 112-463
**COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2013**

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

The Committee recommends \$328,000,000 for the Legal Services Corporation (LSC), which is \$20,000,000 below fiscal year 2012 and \$74,000,000 below the request.

Pro bono legal services- Obtaining more services at no or low cost through private attorney involvement is one means for LSC to increase legal aid services. The Committee is pleased that LSC launched a pro bono task force in 2011, and urges the LSC to implement the recommendations of this task force as it continues to work with LSC-funded programs to adopt measures aimed at increasing the involvement of private attorneys in the delivery of legal services to its clients.

ADMINISTRATIVE PROVISIONS--LEGAL SERVICES CORPORATION

The bill continues restrictions on the uses of LSC funding. None of the funds appropriated in this Act to the LSC shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the LSC shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively.

Unauthorized uses of funds- The Committee remains concerned about LSC grantees' use of funds for unauthorized activities. Because LSC routinely testifies that it lacks funds to serve all of the many low income Americans in need of civil legal assistance, it is critical that LSC grantees not squander funds on political activism or other unauthorized activities. Grantee actions violating the letter--or the spirit--of LSC statutes undermine support for LSC funding. The Committee continues to hear about such cases and will refer them to the LSC IG and LSC management, as appropriate. The Committee expects LSC to examine such matters and report back to the Committee. The Committee again encourages the LSC Inspector General to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of funding restrictions, and again recommends the removal of funds from any LSC grantee found engaging in political or other unauthorized activities. The Committee also directs LSC to report, not later than 120 days after enactment of this Act, on the proactive steps it takes to ensure grantees do not engage in political activism or other unauthorized activities.

Allocation of basic field grants.--The bill includes language making a technical change to the allocation formula for basic field grants. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104-134) required that the allocation for grantees in each geographic area be based on poverty statistics from the 'most recent decennial census.' The Census Bureau has since stopped collecting poverty data in the decennial census and instead collects those data in the American Community Survey (ACS). The recommended language alters the formula to reflect this shift. Since ACS data are released more frequently, the language allows reallocation of funding every three years

FY 2013 Supplemental Funding for Hurricane Sandy Relief
[Congress appropriated \$1,000,000 but only \$950,000 was provided to LSC after sequestration. For provisions within this Act, LSC is considered an agency.]

Public Law No: 113-2
127 Stat. 4
January 29, 2013

DISASTER RELIEF APPROPRIATIONS

An Act

Making supplemental appropriations for the fiscal year ending September 30, 2013, to improve and streamline disaster assistance for Hurricane Sandy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2013, and for other purposes, namely:

DIVISION A—DISASTER RELIEF APPROPRIATIONS ACT, 2013

TITLE X

CHAPTER 2

[[Page 127 STAT. 21]]

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000: *Provided*, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricane Sandy: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds appropriated in this division to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this division to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading: *Provided further*, That, for the purposes of this division, the Legal Services Corporation shall be considered an agency of the United States Government.

[[Page 127 STAT. 17]] [Note—the General Provisions appear before the LSC provision in the statute but are reproduced here after the LSC provision.]

TITLE IX

GENERAL PROVISIONS—THIS DIVISION

SEC. 901. Each amount appropriated or made available in this division is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 902. Each amount designated in this division by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 903. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 904. (a)(1) Not later than March 31, 2013, in accordance with criteria to be established by the Director of the Office of Management and Budget (referred to in this section as “OMB”), each Federal agency shall submit to OMB, the Government Accountability Office, the respective Inspector General of each agency, and the Committees on Appropriations of the House of Representatives and the Senate internal control plans for funds provided by this division.

(2) Not later than June 30, 2013, the Government Accountability Office shall review for the Committees on Appropriations of the House of Representatives and the Senate the design of the internal control plans required by paragraph (1).

(b) All programs and activities receiving funds under this division shall be deemed to be “susceptible to significant improper payments” for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), notwithstanding section 2(a) of such Act.

(c) Funds for grants provided by this division shall be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant, unless, in accordance with guidance to be issued by the Director of OMB, the Director waives this requirement for a particular grant program and submits a written justification for such waiver to the Committees on Appropriations of the House of Representatives and the Senate. In the case of such grants, the agency shall include a term in the grant that requires the grantee to return to the agency any funds not expended within the 24-month period.

(d) Through September 30, 2015, the Recovery Accountability and Transparency Board shall develop and use information technology resources and oversight mechanisms to detect and remediate waste, fraud, and abuse in the obligation and expenditure of funds appropriated in this or any other Act for any fiscal year of such period for purposes related to the impact of Hurricane Sandy: *Provided*, That the Board shall coordinate its oversight efforts with the Director of OMB, the head of each Federal agency receiving appropriations related to the impact of Hurricane Sandy, and the respective Inspector General of each such agency: *Provided further*, That the Board shall submit quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on its activities related to funds appropriated for the impact of Hurricane Sandy.

**Legal Services Corporation FY 2014 Appropriation
With Selected General Provisions**

**Public Law No: 113-76
128 Stat. 5
January 18, 2014**

CONSOLIDATED APPROPRIATIONS ACT, 2014

[[Page 128 STAT. 7]]

SEC. 4. EXPLANATORY STATEMENT

The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record on or about January 15, 2014 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through L of this Act as if it were a joint explanatory statement of a committee of conference.

**DIVISION B--COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2014**

TITLE IV – RELATED AGENCIES

[[Page 128 STAT. 76]]

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$365,000,000, of which \$335,700,000 is for basic field programs and required independent audits; \$4,350,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$18,000,000 is for management and grants oversight; \$3,450,000 is for client self-help and information technology; \$2,500,000 is for a Pro Bono Innovation Fund; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: Provided further, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2013 and 2014, respectively.

**TITLE II—DEPARTMENT OF JUSTICE
GENERAL PROVISIONS**

[[Page 128 STAT. 67]]

Sec. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

**TITLE V—GENERAL PROVISIONS
(including rescissions)**

[[Page 128 STAT. 77]]

Sec. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

[[Page 128 STAT. 78]]

Sec. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2014, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates or initiates a new program, project or activity;
- (2) eliminates a program, project or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes or renames offices, programs or activities;

- (6) contracts out or privatizes any functions or activities presently performed by Federal employees;
- (7) augments existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or
- (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds by agencies (excluding agencies of the Department of Justice) funded by this Act and 45 days in advance of such reprogramming of funds by agencies of the Department of Justice funded by this Act.

[[Page 128 STAT. 79]]

Sec. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

Sec. 514. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department,

[[Page 128 STAT. 80]]

Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude--

- (1) any matter described in section 552(b) of title 5, United States Code; and
 - (2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.
- (c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

[[Page 128 STAT. 82]]

Sec. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding

[[Page 128 STAT. 83]]

Sec. 525. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301-10.122 through 301-10.124 of title 41 of the Code of Federal Regulations.

[[Page 128 STAT. 84]]

Sec. 530. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are 'Energy Star' qualified or have the 'Federal Energy Management Program' designation.

[[Page 128 STAT. 85]]

Sec. 534. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

[[Page 128 STAT. 86]]

Sec. 536. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Sec. 537. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2014”.

**DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT
APPROPRIATIONS ACT, 2014**

**TITLE VII--GENERAL PROVISIONS—GOVERNMENT WIDE
DEPARTMENTS, AGENCIES, and CORPORATIONS
(including transfer of funds)**

[[Page 128 STAT 234]]

Sec. 718. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

[[Page 128 STAT 236]]

Sec. 726. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with--

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

[[Page 128 STAT 242]]

Sec. 743. None of the funds made available in this or any other appropriations Act may be used to eliminate or reduce funding for a program, project, or activity as proposed in the President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act.

EXPLANATORY STATEMENT

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2013**

Report language included in House Report 113-171 ("the House report") or Senate Report 113-78 ("the Senate report") that is not changed by this explanatory statement or this Act is approved. The explanatory statement, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein. In cases where both the House report and the Senate report address a particular issue not specifically addressed in the explanatory statement, the House report and the Senate report should be read as consistent and are to be interpreted accordingly. In cases where the House report or the Senate report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations ("the Committees").

[The reprogramming provisions apply to LSC.]

Each department and agency funded in this Act shall follow the directions set forth in this Act and the accompanying statement and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to: funds provided in this Act; unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2014; and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2014. These procedures are specified in section 505 of this Act.

Any reprogramming request shall include any out-year budgetary impacts and a separate accounting of program or mission impacts on estimated carryover funds. Any program, project or activity cited in this statement, or in the House report or the Senate report and not changed by this Act or statement, shall be construed as the position of the Congress and shall not be subject to reductions or reprogramming without prior approval of the Committees. Further, any department or agency funded in this Act which plans a reduction-in-force shall notify the Appropriations Committees of the House and Senate by letter no later than 30 days in advance of the date of any such planned personnel action.

When a department or agency submits a reprogramming or transfer request to the Appropriations Committees of the House and Senate and does not receive identical responses by the House and Senate, it shall be the responsibility of the department or agency seeking the reprogramming to reconcile the differences between the two bodies before proceeding. If reconciliation is not possible, the items in disagreement in the reprogramming or transfer request shall be considered unapproved.

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

This Act includes \$365,000,000 for the Legal Services Corporation (LSC).

ADMINISTRATIVE PROVISION-LEGAL SERVICES CORPORATION

Unauthorized uses of funds.-The Inspector General of the LSC is encouraged to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions on engaging in political activities or any of the other restrictions by which LSC grantees are required to abide. The removal of funds from any LSC grantee determined by the Inspector General to have engaged in unauthorized political activity is recommended.

Section 205 establishes requirements and procedures for transfer proposals.

Section 505 prohibits a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employee; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees; (7) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds. Language is included requiring the Department of Justice to notify the Committees 45 days in advance of any such reprogramming.

Senate Committee on Appropriations FY 2014 LSC Appropriation

[S. 1329 was reported by the Senate Committee on Appropriations, but not voted on by the Senate or the House.]

[S. 1329 would have provided \$430,000,000 to LSC and lifted the 1996 restriction on non-Federal funds except for class actions, abortion-related litigation, and prisoner litigation.]

113th Congress, 1st Session

S. 1329

Making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2014, and for other purposes.

**Legal Services Corporation
Payment to the Legal Services Corporation**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$430,000,000, of which \$400,000,000 is for basic field programs and required independent audits; \$4,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$19,500,000 is for management and grants oversight; \$3,500,000 is for client self-help and information technology; \$1,500,000 is for a Pro Bono Innovation Fund; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: Provided further, That, for the purposes of section 505 and section 540 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

Administrative Provision—Legal Services Corporation

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2013 and 2014, respectively.

Section 504 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended:

- (1) in subsection (a), in the matter preceding paragraph (1), by inserting after `)' the following: `that uses Federal funds (or funds from any source with regard to paragraphs (7), (14) and (15)) in a manner';*
- (2) by striking subsection (d) ; and*
- (3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.*

Senate Report 113-78 to accompany S. 1329

[S. 1329 was reported by the Senate Committee on Appropriations, but not voted on by the Senate or the House.]

[The report is incorporated by the explanatory statement.]

**Senate Report 113-78
DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND
RELATED AGENCIES APPROPRIATIONS BILL, 2014**

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

<i>Appropriations, 2013 (1, 2)</i>	<i>\$358,433,000</i>
<i>Budget estimate, 2014</i>	<i>430,000,000</i>
<i>Committee Recommendation</i>	<i>430,000,000</i>
<i>(1) Does not reflect the March 1, 2013, sequester of funds under Public Law 112-25.</i>	
<i>(2) Includes emergency funding of \$1,000,000 in the Disaster Relief Appropriations Act, 2013 (division A of Public Law 113-2).</i>	

The Committee's recommendation provides \$430,000,000 for payment to the Legal Services Corporation [LSC]. The recommendation is \$71,567,000 above the fiscal year 2013 enacted level, and equal to the budget request.

The Committee's recommendation provides \$400,000,000 for basic field programs, to be used for competitively awarded grants and contracts; \$19,500,000 for management and administration; \$3,500,000 for client self-help and information technology; \$4,500,000 for the Office of the Inspector General [OIG]; \$1,000,000 for loan repayment assistance, and \$1,500,000 for LSC's new Pro Bono Innovation Fund.

Governance and Management- The LSC must continue its governance and management improvement efforts in order to further restore the credibility of the organization and direct additional funds into legal aid, where they are desperately needed. The Committee expects the Inspector General of the LSC to continue conducting annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions by which LSC grantees are required to abide.

Pro Bono Task Force- The Committee applauds the LSC for launching a pro bono task force, which released its report in the fall of 2012. The Committee urges LSC to implement the recommendations as it continues to work with grantees to adopt measures aimed at increasing the involvement of private attorneys in the delivery of legal services to their clients.

Pro Bono Innovation Fund- The Committee's recommendation provides full funding of \$1,500,000 to establish a new Pro Bono Innovation Fund. This fund will support innovative projects that promote and enhance pro bono initiatives throughout the Nation, as well as leverage Federal dollars to increase free legal aid for low-income Americans by engaging private attorneys.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The Committee's recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105-119) regarding operation of this program to provide basic legal services to disadvantaged individuals and the restrictions on the use of LSC funds.

LSC funds cannot be used to engage in litigation and related activities with respect to a variety of matters including: (1) redistricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) abortion; (6) prisoner litigation; (7) welfare reform; (8) representation of charged drug dealers during eviction proceedings; and (9) solicitation of clients. The exception to the restrictions occurs in a case where there is imminent threat of physical harm to the client or prospective client.

The bill makes no changes to the permanent restrictions established under the Legal Services Corporation Act (42 U.S.C. Sec. 2996 et seq.). The Committee provides language that affects only the 1996 appropriations rider in the following manner: (1) keeps the restriction on use of funds from all private and public sources for abortion-related litigation, representation of prisoners, and class action suits; and (2) lifts the restriction on use of funds from all private sources--but keeps the restriction on use of all public sources--for all other activities currently restricted by the rider. This provision was included to level the playing field between legal aid attorneys and their counterparts in the private sector and open potentially crucial sources of additional revenue to legal aid providers given that State and private funding sources have declined in recent years.

House Committee on Appropriations FY 2014 LSC Appropriation

[H.R. 2787 was reported by the House Committee on Appropriations, but not voted on by House or Senate. H.R. 2787 would have provided \$300,000,000 to LSC.]

*113th Congress
1st Session
H. R. 2787*

Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2014, and for other purposes.

**Legal Services Corporation
Payment to the Legal Services Corporation**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$300,000,000, of which \$271,900,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; \$2,500,000 is for a Pro Bono Innovation Fund; and \$1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: Provided further, That, for the purposes of sections 505 and 531 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

Administrative Provision—Legal Services Corporation

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2013 and 2014, respectively.

House Report 113-171 to accompany H.R. 2787

[H.R. 5787 was not voted on by the House or Senate.]
[The report is incorporated by the explanatory statement.]

House Report 113-171
 COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
 APROPRIATIONS BILL, 2014

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION

The Committee recommends \$300,000,000 for the Legal Services Corporation (LSC), which is \$58,149,000 below fiscal year 2013 and \$130,000,000 below the request.

Pro bono legal services.--Obtaining more services at no or low cost through private attorney involvement is one means for LSC to increase legal aid services. The Committee is pleased that LSC launched a pro bono task force in 2011, which released its findings and recommendations in October, 2012. The Committee directs LSC to implement the recommendations of this task force and continue to work with LSC-funded programs to adopt measures aimed at increasing the involvement of private attorneys in the delivery of legal services to its clients. LSC shall report to the Committee annually on its progress in this area, including a summary of the number of Americans served by pro bono services as part of LSC's efforts.

Pro bono innovation fund.--The recommendation includes \$2,500,000 to create a pro bono innovation fund, as recommended by the pro bono task force and as proposed in LSC's fiscal year 2014 budget request.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The bill continues restrictions on the uses of LSC funding. None of the funds appropriated in this Act to the LSC shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the LSC shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2013 and 2014, respectively.

Unauthorized uses of funds.--The IG of the LSC is encouraged to conduct annual audits of LSC grantees to ensure that funds are not used in contravention of the restrictions on engaging in political activities or any of the other restrictions by which LSC grantees are required to abide. The removal of funds from any LSC grantee determined by the IG to have engaged in unauthorized political activity is recommended.