



## American Bar Association

# Legal Services Corporation FY 2006 Appropriations

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### LSC FY 2006 Appropriations

President Bush's [FY 2006 budget request](#) submitted to Congress on February 8, 2005 included a 5 percent reduction in funding for the [Legal Services Corporation](#), from the FY 2005 pre-rescission appropriation of \$335.3 million to \$318,250,000.

At their February 2005 board meeting, the Corporation's bipartisan [Board of Directors](#) [unanimously approved](#) a funding increase. Administration appointees Frank B. Strickland of Georgia and Lillian R. BeVier of Virginia, serve as board chair and vice-chair, respectively. For FY 2006, the Board asked Congress to increase LSC's funding to \$363,809,000, \$11,009,000 over the Board's FY 2005 request and \$33,005,295 over the final FY 2005 appropriation. LSC's [budget request to Congress](#) explained that,

[t]his request, while taking into account the budgetary pressures facing the federal government, represents the minimum amount necessary for LSC to effectively undertake its mission of delivering quality civil legal assistance to eligible low-income Americans. Total inflation from the beginning of 2002 to the end of 2004 was 7.4 percent. Meanwhile, LSC's FY 2005 appropriation of \$330,803,705 is essentially the same as the FY 2002 appropriation of \$329,300,000.

The LSC Board's requested budget increase received strong support from a bipartisan group of Senators, Representatives, the organized bar and business leaders from across the country.

In April, more than 250 ABA, state, local and specialty bar leaders came to Washington to participate in "ABA Day in Washington", some solely for the purpose of supporting funding for civil legal services for the poor.

ABA President Robert J. Grey, Jr. on May 23, 2005 [wrote](#) Chairman Frank R. Wolf (R-VA) and Ranking Member Alan B. Mollohan (D-WV) in support of funding for the Legal Services Corporation (LSC.) President Grey thanked Representatives Wolf and Mollohan for their long-time, strong support for LSC. He reiterated their discussions during "ABA Day in Washington" meetings (April 27-28) in which he urged them to fund LSC at \$363.8 million, the amount requested by the LSC's bipartisan Board of Directors. President Grey also highlighted the letter sent on May 16, 2005 by more than [153 U.S. Representatives](#) who [wrote](#) Chairman Wolf and Representative Mollohan in support of the LSC Board's funding request. This year's effort, again sponsored by Representatives William Delahunt (D-MA) and Jim Ramstad (R-MN), produced more than twice the number of signatures as last year's LSC funding letter. In addition, the [Oregon Congressional Delegation](#) on May 2, 2005 wrote its own letter and many other Representatives sent individual letters to the Subcommittee.

On May 24, 2005, the Subcommittee marked up the SSJC bill and rejected the Administration's request for a \$12 million cut; however, the Subcommittee provided only level funding for LSC, at \$330.8 million. "Thanks to the hard work of ABA, state, local and specialty bar leaders during ABA Day in Washington meetings, through letters and follow-up phone calls and e-mails, the Subcommittee received significant support for not cutting LSC's funding at a time when just about every other program was cut," said Grey. "We're disappointed that LSC did not receive the requested increase. However, because of the federal budget situation, we are grateful for the Subcommittee's effort to make sure that LSC funding was not cut."

The full Appropriations Committee later affirmed the Subcommittee's recommendation. During the June 14, 2005 floor debate on the SSJC bill (H.R. 2862), an amendment to transfer \$10 million from LSC to justice assistance grant programs was defeated 112-316. ([Roll Call Vote No. 249.](#)) Chairman Wolf, Ranking Member Mollohan, the [ABA](#) and state and local bar associations across the country strongly opposed the amendment.

On the Senate side, despite a [June 15, 2005 letter](#) from 47 Senators requesting the \$33 million increase and support from many other Senate leaders, the Senate Appropriations Subcommittee on Commerce, Justice and Science (CJS) reduced LSC's funding by \$6 million to \$324.6 million. Prior to the June 21, 2005 markup, Mr. Grey [wrote](#) Subcommittee Chair Richard Shelby (R-AL) and Ranking Member Barbara Mikulski (D-MD) to follow up on personal meetings during ABA Day in Washington, during which constituents urged the Subcommittee to support the LSC Board's funding request. Because of strong support from constituents, the [general counsels](#) of some of America's leading corporations, and other members of the Appropriations Committee, efforts to reduce LSC's funding by the full \$12 million, as requested by the Administration were defeated.

During the Subcommittee markup, Senator Tom Harkin (D-IA) addressed the urgent need for adequate funding for legal aid for the poor, and announced his intention to offer an amendment in full Committee to restore and increase LSC's funding. Mr. Grey [wrote](#) Committee Chair Thad Cochran (R-MS) and Ranking Member Robert Byrd (D-WVA) in support of Senator Harkin's efforts. During the full Committee markup, Senators Harkin and Senator Byrd addressed the urgent need to restore and increase LSC funding. Senator Harkin, however, determined that he would instead offer his amendment during floor debate on the CJS bill.

During the Senate floor debate on H.R. 2862, the Senate on September 8, 2005 agreed to an amendment increasing LSC's FY 2006 funding. The amendment, sponsored by Senators Tom Harkin (D-IA) and Gordon Smith (R-OR), increased LSC funding by \$34 million to \$358 million, \$8 million of which would be dedicated to assisting hurricane victims now located around the country. ABA President Michael S. Greco [wrote](#) the Senate urging members to support the amendment.

The Senate approved H.R. 2862 on September 15, 2005, and immediately appointed conferees. The House appointed conferees on November 2. Conferees included the House and Senate members of the SSJC and CJS Appropriations subcommittees, respectively.

House/Senate conferees met the first week of November. While the conferees initially agreed to "split the difference" between the House and Senate funding levels at \$344 million, that agreement fell through during closed door meetings the evening of November 3. Senator Richard Shelby (R-AL), chair of the Senate Appropriations Subcommittee on Commerce, Justice, and Science, instead receded to the House level of \$330.8 million, giving up the entire amount of the bipartisan Harkin/Smith amendment. This action prompted Senator Mikulski on November 4, 2005 to offer an amendment in conference committee to increase LSC funding by \$14 million to \$344 million, consistent with the earlier agreement. The Senate conferees agreed to the amendment by voice vote. To pass, however, the Mikulski amendment had to be approved by a majority of the House members on the conference committee. House conferees voted 6-9, along party lines, against the amendment.

The conference report, [H.Rept. 109-272](#), filed on November 7, 2005, included \$330.8 million for LSC. A .28 percent across-the-board rescission included in the conference report reduced

LSC's from \$330.8 million to \$329.9 million. Additional government-wide across-the-board cuts were expected to further reduce LSC's funding.

The House on November 9, 2005 adopted the conference report 397-19, sending it to the Senate for approval. Several Members of Congress, led by Appropriations Committee Ranking Member David Obey (D-WI) opposed the conference report specifically because of the inadequate LSC funding level. See Congressional Record [debate](#).

The Senate approved [H.Rept 109-272](#) on November 16, 2005 sending it to the President for his signature. On November 22, 2005, the President signed the bill into law, P.L. 109-108.

As expected, an additional across-the-board rescission further reduced LSC's FY 2006 funding. On December 30, 2005, the President signed the FY 2006 Department of Defense appropriations bill (H.R. 2863) into law. P.L. 109-148 included another one percent cut to all discretionary spending, excluding veterans programs and emergency spending. Therefore, LSC's final FY 2006 appropriation is \$326.5 million.

### LSC Board/Governance

The LSC is governed by an 11-person bipartisan Board of Directors, nominated by the President and confirmed by the Senate. The full [Senate Committee on Health, Education, Labor and Pensions \(HELP\)](#) is responsible for confirming nominees to this Board. The ABA pursuant to longstanding procedures conducts [an evaluation](#) of the nominees' qualifications and commitment to the program and submits its views to the Senate.

On July 28, 2005, the Senate confirmed the nominations of Republican Tom Fuentes and Democrat Bernice Phillips. The White House must still send to the Senate the names of two more nominees for the 11-member Board: Republican Robert Dieter was confirmed in July 2005 to an ambassadorial position; and another seat continues to be held by Democratic appointee Ernestine Wallington, a hold-over member from the previous board.

On October 6, 2005, the White House nominated Democrat Sarah Singleton of New Mexico to replace Ernestine Wallington. As of January 20, 2006, her nomination was pending in the Senate HELP Committee.

[Helaine Barnett](#), formerly the Attorney-in Charge of civil legal services for the Legal Aid Society of New York City, has served as LSC's President since January 2004. The Board in September 2004 named [Richard "Kirt" West](#) as LSC's independent Inspector General.

**Staff Contact: Julie M. Strandlie, Legislative Counsel/Director, Grassroots Operations**  
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