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[Page E2495]  
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INTRODUCTION OF THE CIVIL ACCESS TO JUSTICE ACT OF 2009

HON. ROBERT C. ``BOBBY'' SCOTT

of virginia

in the house of representatives

Thursday, October 8, 2009

Mr. SCOTT of Virginia. Madam Speaker, today I rise to introduce the Civil Access to Justice Act of 2009. The purpose of this legislation is to reauthorize the Legal Services Corporation, which has not been reauthorized by Congress since 1977. Legal Services Corporation was established by Congress in 1974 to provide legal assistance to low-income people in civil matters. LSC directs and supervises the federal grants to local legal service providers who give legal assistance to low-income clients.

I am particularly pleased that we are introducing this bill, not only because it helps those in need, but because of my personal experiences with the program. Over 30 years ago, I was the founding Chairman of the Board of Peninsula Legal Aid Center, Inc., so I am aware of the need for resources to make a legal services program fully operational. In this bill, we are seeking to ensure that the Corporation has the resources required to help those in need.

The bill accomplishes several goals. It increases the authorized funding level for LSC to \$750 million. This is approximately the amount, adjusted for inflation, appropriated in 1981, which was the high watermark for LSC funding. LSC is currently funded at \$390 million--which, in current dollars, is well below the amount needed to fully fund the program. Currently, more than 80 percent of individuals who need civil legal representation do not have the means to obtain it. Families who need this assistance the most make less than 125 percent of the poverty line or about \$27,500 for a family of four. Nationally, 50 percent of these eligible applicants for legal assistance from federally funded programs are turned away mainly because these programs lack ample funding. Moreover, as the economy continues to decline, the number of individuals who will need legal representation will increase. We need to ensure that resources are available to provide legal services to those who cannot afford adequate representation. The \$750 million authorized in the bill should be enough to ensure a minimum level of access to legal aid in every county in the country.

Although the program has not been reauthorized in over 30 years, appropriations bills over that time have placed restrictions on the

activities that attorneys in LSC programs can provide. The bill lifts most of these restrictions, including collecting attorneys' fees, permitting legal aid attorneys to bringing class-action suits, and allowing lobbying with non-federal funds. In the spirit of compromise, the bill does maintain the prohibition on abortion related litigation and incorporates some limits on whom LSC-funded programs can represent, including prisoners challenging prison conditions and people convicted of illegal drug possession in public housing eviction proceedings. The bill also provides for more effective administration of LSC.

The Government Accountability Office wrote reports highlighting issues with the governance of LSC. In an August 2007 report, GAO found ``. . . LSC has not kept up with evolving reforms aimed at strengthening internal control over an organization's financial reporting process and systems.'' That same report stated that ``The current board has four committees, but none are specifically targeted at providing critical audit, ethics, or compensation functions, which are important governance mechanisms commonly used in corporate governance structures. Because it has not taken advantage of opportunities to incorporate such practices, LSC's Board of Directors is at risk of not being able to fulfill its role of effective governance and oversight.''

Overall, the Civil Access to Justice Act of 2009 will provide relief to those who need civil legal representation. I would like to thank Judiciary Committee Chairman Conyers and Representatives Cohen, Watt, Delahunt, Linda Sanchez and Hank Johnson for their hard work and dedication to this cause. I urge my colleagues to cosponsor and support this important legislation to ensure that those who need civil legal representation are able to obtain it.

