

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

“(B) using funds received from a source other than the Corporation to provide legal assistance to a client who is not an eligible client or who is an alien prohibited from being provided assistance under section 1007(i) 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, grantees, or contractors for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1992 (other than the prohibition described in section 1007(i) or any requirement regarding the eligibility of clients.

“(3) Nothing in this subsection shall affect the ability of a financially and physically separate entity that receives no funds from the Legal Services Corporation or its recipients or other grantees or contractors of the Corporation to engage in constitutionally-protected activities otherwise prohibited under this subsection.

“(4) As used in paragraph (3), a ‘separate entity’ is an entity that—

“(A) does not share offices, staff, or facilities with a recipient or other grantee or contractor of the Corporation, and

“(B) shares no control over workload with such a recipient, grantee, or contractor.”

(b) TIMEKEEPING.—Section 1008(b) (42 U.S.C. 2996g(b)) is amended—

- (1) by inserting “(1)” after “(b)”; and
(2) by adding at the end the following:

“(2) The Corporation, by regulation adopted pursuant to section 1008(e), shall require each recipient or other grantee or contractor of the Corporation to maintain records of time spent on the cases or matters with respect to which that recipient, grantee, or contractor is engaged in activities and to maintain a recordkeeping system that discloses the source of funds to be charged for each such case or matter. The specific time and recordkeeping system to be employed shall be determined by the recipient, grantee, or contractor in a manner that meets the requirements of a recordkeeping system as set forth in the preceding sentence and meets obligations that are imposed by other funding sources. Pursuant to regulations adopted under this paragraph, each employee of such recipient, grantee, or contractor, who is an attorney or paralegal, shall be required to keep contemporaneous records of the time spent by case or matter and the type of case or matter.”

SEC. 19. EVASION.

The Legal Services Corporation Act is amended—

(1) by redesignating section 1013 and 1014 as sections 1014 and 1015, respectively; and

(2) by inserting after section 1012 the following new section:

“EVASION

“SEC. 1013. The use of ‘alternative corporations’ to avoid or otherwise evade the provisions of this title or the Legal Services Reauthorization Act of 1992 is prohibited. The term ‘alternative corporation’ means any corporation, law firm, business association, group, entity, or enterprise which shares offices, staff, or facilities with a recipient or other grantee or contractor of the Corporation or shares control over workload with such a recipient, grantee, or contractor.”

SEC. 20. ATTORNEYS’ FEES PROVISIONS.

Section 1006(f) (42 U.S.C. 2996e(f)) is amended to read as follows:

“(f)(1) A recipient or other grantee or contractor of the Corporation, or any client of such recipient, grantee, or contractor, may not claim or collect attorneys’ fees from

non-governmental parties to litigation initiated by such client with the assistance of such recipient, grantee, or contractor.

“(2) If any court finds, based on substantial evidence, that a recipient or other grantee or contractor of the Corporation commenced an action for the purpose of harassment or retaliation or maliciously abused legal process, or that the plaintiff’s action was frivolous, unreasonable, or without foundation, the court shall award reasonable costs and attorneys’ fees incurred by the defendant in defending the action. Any such costs and fees shall be paid directly by the Corporation. The Corporation may recover the amount of any costs and fees paid by the Corporation from the recipient, grantee, or contractor against whom the award was made by offsetting that amount against future grant awards or contracts made by the Corporation to such recipient, grantee, or contractor. Unless otherwise agreed to by the Corporation and the recipient, grantee, or contractor involved, the Corporation, in any one grant year, may not deduct more than 5 percent of a grant award or contract for purposes of recoupment of such costs and fees under the preceding sentence.”

SEC. 21. REPROGRAMMING PROVISIONS.

Section 1008 (42 U.S.C. 2996h) is amended by adding at the end the following:

“(f) The Corporation may not promulgate rules under this title unless the Corporation has so notified the Committees on Appropriations and on the Judiciary of the House of Representatives and the Committees on Appropriations and on Labor and Human Resources of the Senate at least 15 days before final publication of the rules.”

SEC. 22. AUTHORITIES OF INSPECTOR GENERAL.

Section 1009 (42 U.S.C. 2996h) is amended as follows:

(1) Subsection (a)(1) is amended to read as follows:

“(a)(1) The accounts of the Corporation shall be audited annually. Such audits shall be conducted in accordance with the Inspector General Act of 1978.”

(2) Subsection (c)(1) is amended to read as follows:

“(c)(1) The Inspector General of the Corporation shall conduct, or require each recipient, grantee, contractor, or person or entity receiving financial assistance under this title to provide for audits in accordance with the Inspector General Act of 1978.”

(3) Subsection (c)(2) is amended by striking “Corporation” the first place it appears and inserting “Inspector General”.

SEC. 23. STAFF ATTORNEYS.

Section 1002(7) (42 U.S.C. 2996a(7)) is amended to read as follows:

“(7) ‘staff attorney’ means an attorney who receives more than one-half of his or her annual professional income from a recipient or other grantee or contractor of the Corporation, which has as one of its purposes the provision of legal assistance to eligible clients under this title; and”

SEC. 24. STUDY ON LEGAL ASSISTANCE TO OLDER AMERICANS.

The Legal Services Corporation shall conduct a study to determine the extent and effectiveness of legal assistance provided to older Americans by recipients and contractors under the Legal Services Corporation Act. The Corporation shall submit to the Congress, not later than 6 months after the date of the enactment of this Act, a report on the study, together with any recommendations that the Corporation has on ways to improve the provision of such legal assistance to older Americans.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce, Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SKAGGS, announced that the nays had it.

Mr. McCOLLUM objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared ... Yeas 173
Nays 236
Answered present 1

52.17 [Roll No. 117] YEAS—173

Table listing names of members of the House of Representatives, including Allard, Allen, Applegate, Archer, Arney, Baker, Ballenger, Barnard, Barrett, Barton, Bateman, Bentley, Bilirakis, Bliley, Boehner, Broomfield, Bunning, Burton, Byron, Callahan, Camp, Chandler, Clement, Clinger, Coble, Coleman (MO), Combust, Costello, Coughlin, Cox (CA), Crane, Davis, DeLay, Dickinson, Doolittle, Dornan (CA), Dreier, Duncan, Edwards (OK), Edwards (TX), Emerson, English, Ewing, Fawell, Fields, Franks (CT), Gallegly, Gekas, Geren, Gillmor, Gingrich, Goodling, Goss, Grandy, Gunderson, Hall (TX), Hammerschmidt, Hancock, Hansen, Hastert, Hefley, Henry, Herger, Hobson, Holloway, Hopkins, Huckaby, Hunter, Hutto, Inhofe, Ireland, Johnson (SD), Johnson (TX), Kanjorski, Kasich, Klug, Kolbe, Kyl, LaFalce, Lagomarsino, Laughlin, Lent, Lewis (CA), Lewis (FL), Livingston, Lowery (CA), Marlenee, Martin, McCandless, McCollum, McCreery, McDade, McGrath, McMillan (NC), Meyers, Michel, Miller (OH), Miller (WA), Molloy, Montgomery, Moorhead, Morrison, Murphy, Murtha, Myers, Nichols, Nussle, Orton, Oxley, Packard, Parker, Paxon, Petri, Poshard, Pursell, Quillen, Rahall, Ravelle, Ray, Regula, Rhodes, Rinaldo, Ritter, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Rowland, Santorum, Sarpalius, Saxton, Schaefer, Schulze, Sensenbrenner, Shaw, Shuster, Skeen, Skelton, Smith (NJ), Smith (OR), Smith (TX), Snowe, Solomon, Spence, Stearns, Stenholm, Stump, Sundquist, Tanner, Tauzin, Taylor (MS), Taylor (NC), Thomas (CA), Thomas (GA), Thomas (WY), Upton, Valentine, Vander Jagt, Vucanovich, Walker, Walsh, Weber, Weldon, Wilson, Wolf, Wylie, Yatron, Young (AK), Young (FL), Zeliff.

NAYS—236

Table listing names of members of the House of Representatives, including Abercrombie, Anderson, Andrews (ME), Andrews (NJ), Andrews (TX), Annunzio, Anthony, Aspin, Atkins, Bacchus, Beilenson, Bennett, Berman, Bevill, Bilbray, Blackwell, Boehlert, Bonior, Borski, Boucher, Boxer, Brewster, Brooks, Browder, Brown, Bruce, Bustamante, Campbell (CA), Campbell (CO), Cardin, Carper, Carr, Chapman, Clay, Coleman (TX), Collins (MI), Condit, Conyers, Cooper, Cox (IL), Coyne, Cramer, Darden, de la Garza, DeFazio.

DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gedjenson
Gephardt
Gibbons
Gilchrist
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz

Kaptur
Kennedy
Kennelly
Kildee
Klecza
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowe (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Molinari
Moody
Moran
Morella
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)

Peterson (MN)
Pickett
Pickle
Porter
Price
Ramstad
Rangel
Reed
Richardson
Ridge
Riggs
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—24

Ackerman
Alexander
AuCoin
Bereuter
Bryant
Collins (IL)
Cunningham
Dannemeyer

Dymally
Engel
Hyde
Jefferson
Kolter
Levine (CA)
Lightfoot
McEwen

Moakley
Mrazek
Oakar
Scheuer
Staggers
Tallon
Whitten
Wise

The motion to recommit with instructions was not agreed to.
The question being put, viva voce,
Will the House pass said bill?
The SPEAKER pro tempore, Mr. SKAGGS, announced that the nays had it.

Mr. BROOKS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

| | | | |
|---|---|------------------|-----|
| It was decided in the affirmative | } | Yeas | 253 |
| | | Nays | 154 |
| | | Answered present | 1 |
| | | | |

52.18 [Roll No. 118] AYES—253

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Boski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Eckart
Edwards (CA)
Edwards (TX)
English
Erdreich
Espy
Evans
Fascell
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gedjenson
Gephardt
Geren
Gibbons
Gilchrist
Glickman
Gonzalez
Gradison
Green

Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatch
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klecza
Klug
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughtin
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowe (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moody
Moran
Morella
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta

NOES—154

Allard
Allen
Applegate
Archer
Army
Baker
Ballenger
Barnard
Barrett
Barton

Bateman
Bentley
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Byron
Callahan

Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane

Cunningham
Darden
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Grandy
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Huckaby
Hunter
Hutto
Inhofe
Ireland
Johnson (TX)
Kolbe
Kyl

Lagomarsino
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Marlenee
Martin
Mazzoli
McCandless
McCollum
McCrery
McDade
McGrath
McMillan (NC)
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pursell
Quillen
Rahall
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Roth

Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

ANSWERED "PRESENT"—1

James

NOT VOTING—26

Ackerman
Alexander
AuCoin
Bereuter
Bryant
Collins (IL)
Dannemeyer
Dymally
Engel

Gilman
Gordon
Hyde
Jefferson
Kasich
Kolter
Levine (CA)
Lightfoot
Lowery (CA)

McEwen
Moakley
Mrazek
Oakar
Staggers
Tallon
Whitten
Wise

So the bill was passed.
A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.
Ordered, That the Clerk request the concurrence of the Senate therein.

52.19 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. BROOKS, by unanimous consent,
Ordered, That in the engrossment of the foregoing bill, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

52.20 VETERANS HEALTH SERVICE EMPLOYEE PROTECTIONS

Mr. SIKORSKI moved to suspend the rules and pass the bill (H.R. 4384) to amend title V, United States Code, to provide that employees of the Veterans Health Administration excluded from subchapter II of chapter 75 of such title as a result of the enactment of Public Law 101-376 be restored to coverage under such subchapter, and for other purposes; as amended.
The SPEAKER pro tempore, Mr. SKAGGS, recognized Mr. SIKORSKI and Mrs. MORELLA, each for 20 minutes.
After debate,
The question being put, viva voce,