SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN (for himself and Mr. LOTT):

S. Res. 161. A resolution to make available to the senior Senator from Mississippi, during his or her term of office, the use of the desk located in the Senate Chamber and used by Senator Jefferson Davis; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself and Mr.AKAKA):

S. 1131. A bill to amend title 38, United States Code, to authorize the provision of financial assistance in order to ensure that financially needy veterans receive legal assistance in connection with proceedings before the United States Court of Veterans Appeals; to the Committee on Veterans' Affairs.

U.S. COURTS LEGISLATION

● Mr. ROCKEFELLER. Mr. President, I am today introducing legislation that would provide statutory authorization for a program carried out by the Court of Veterans Appeals, pursuant to authority in appropriations acts, under which claimants before the court who would otherwise seek to prosecute their appeal without legal representation receive assistance in gaining such representation. I am pleased to be joined in introducing this bill by my good friend and fellow member of the Committee on Veterans' Affairs, Senator AKAKA.

Mr. President, the Court of Veterans Appeals pro se program was first set up in 1992 pursuant to an authorization in Public Law 102–229, the Fiscal Year 1992 Dire Emergency Supplemental Appropriations Act. The program has been continued by subsequent appropriations acts, but has never been otherwise authorized. The legislation we are introducing today would provide statutory authorization, thereby demonstrating the value of this program.

Mr. President, pursuant to the initial authorization in Public Law 102–229, the court transferred $950,000 to the Legal Services Corporation, which in turn made two types of grants in fiscal year 1993.

The first grant, a so-called A grant, was given to a consortium— made up of the American Legion, the Disabled American Veterans, the National Veterans Legal Services Project, and the Paralyzed Veterans of America—for the purposes of evaluating cases brought to the court by pro se claimants and recruiting and training volunteer attorneys to represent these individuals. The consortium is overseen by an advisory committee and has three operational components—one that conducts outreach to recruit volunteer attorneys to represent claimants before the court; one that provides an educational course for those attorneys who agree to represent claimants; and one that evaluates cases and assigns them to the volunteer attorneys.

The second type of grant, the so-called B grants, were given to four organizations—the Disabled American Veterans, jointly to the National Veterans Legal Services Project and the Paralyzed Veterans of America, and Swords to Plowshares—to allow those organizations to expand existing programs to provide pro bono legal representation to veterans.

This structure of the two types of grants continues, and the court was authorized in subsequent appropriations acts to transfer $790,000 in each of fiscal years 1994 and 1995.

Mr. President, by all accounts, this program has been a significant success. In testimony for the Committee on Veterans' Affairs' March 9, 1995, hearing on the fiscal year 1996 budget for veterans programs, the court's chief judge, Frank Q. Nebeker, made the following points about the program:

> [F]ully two-thirds of eligible appellants who were pro se when filing appeals in the first two years of the Program's operation received some form of legal assistance. . . . [D]uring these first two years . . . , while only 19% of appellants were represented at the time of filing a notice of appeal to the Court, 42% were represented at case termination as a result of the Program's placement of cases with attorneys. . . . [R]ecruitment of volunteer attorneys has been highly successful. Through the end of calendar year 1994, 342 volunteer attorneys have been recruited and are participating in the Program. . . . Nearly 300 attorneys have received training in veterans law, either through the Program's day-long training sessions (261 attorneys) or through video training tapes (37 individuals or law firms). Of the 159 volunteer attorneys who have completed cases, over 80% have expressed willingness to take another case, and 51 appellants have already received representation by repeat pro bono attorneys. In FY 1994 the Program provided nearly $4.00 worth of volunteer-attorney services for every $1.00 of federal money spent on the Program.

In its annual report for 1994, the program discussed the impact of representation on a claimant's chance of success before the court, noting that of the 203 decisions made by the court through September 1994 in cases in which representation was provided through the program, nearly 80 percent were settled, reversed, or remanded to the Board of Veterans' Appeals. On the other hand, of the 272 pro se cases completed by the court where the eligibility requirements for the program were not met and pro bono representation not provided, only 14 cases resulted in a remand to the Board. Clearly, the opportunity to have qualified legal representation is a great benefit to claimants coming before the court, and the program has been instrumental in helping claimants secure such representation.

Mr. President, the bill we are introducing would amend chapter 72 of title 38, United States Code, the chapter relating to the Court of Veterans Appeals, by adding a new section 7287 which would authorize the court to provide funds to nonprofit organizations in order to allow such organizations to provide funding to appropriate entities to carry out a program to assist pro se claimants to secure representation. All of the provisions in the proposed new section are derived from the language in Public Law 102–229 and are intended to function in the same way, with the court having flexibility in how any available funds are used to support a program. Of course, in light of how well the existing program has functioned, I would anticipate that that effort would continue as long as appropriate. However, there is nothing in the proposed legislation which would mandate such a result, and I anticipate that the court will use whatever funding is provided in future appropriations acts in the way that will ensure that the greatest number of eligible claimants receive representation.

Mr. President, I look forward to working with the committee's chairman, Senator SIMPSON, and the other members of the committee on this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEGAL ASSISTANCE FOR FINANCIALLY NEEDY VETERANS IN CONNECTION WITH COURT OF VETERANS APPEALS PROCEEDINGS.

(a) IN GENERAL.—(1) Subchapter III of chapter 72 of title 38, United States Code, is amended by adding at the end the following:

"§ 7287. Legal assistance for certain veterans in Court proceedings; use of funds for assistance

"(a)(1) The Court may, in accordance with this section, provide funds (in advance or by way of reimbursement) to nonprofit organizations, under such terms and conditions consistent with this section as the Court considers appropriate, in order to permit such organizations to provide financial assistance by grant or contract to such legal assistance entities as the organizations consider appropriate for purposes of permitting such entities to carry out programs described in subsection (b).

"(2) Notwithstanding any other provision of law, if the Court determines that there exists no nonprofit organization that would be an appropriate recipient of funds under this section for the purposes referred to in paragraph (1) and that it is consistent with the mission of the Court, the Court may provide financial assistance, by grant or contract, directly to such legal assistance entities as the Court considers appropriate for purposes of permitting such entities to carry out programs described in subsection (b).

"(b)(1) A program referred to in subsection (a) is any program under which a legal assistance entity utilizes financial assistance under this section to provide assistance or carry out activities (including assistance, services, or activities referred to in paragraph (3)) in order to ensure that individuals described in paragraph (2) receive, without charge, legal assistance in connection with