

Calendar No. 149

110TH CONGRESS
1ST SESSION**H. R. 916**

IN THE SENATE OF THE UNITED STATES

MAY 16, 2007

Received; read twice and placed on the calendar

AN ACT

To provide for loan repayment for prosecutors and public
defenders.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “John R. Justice Pros-
5 ecutors and Defenders Incentive Act of 2007”.

6 **SEC. 2. LOAN REPAYMENT FOR PROSECUTORS AND DE-**
7 **FENDERS.**

8 Title I of the Omnibus Crime Control and Safe
9 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
10 by adding at the end the following:

1 **“PART JJ—LOAN REPAYMENT FOR**
2 **PROSECUTORS AND PUBLIC DEFENDERS**

3 **“SEC. 3111. GRANT AUTHORIZATION.**

4 “(a) PURPOSE.—The purpose of this section is to en-
5 courage qualified individuals to enter and continue em-
6 ployment as prosecutors and public defenders.

7 “(b) DEFINITIONS.—In this section:

8 “(1) PROSECUTOR.—The term ‘prosecutor’
9 means a full-time employee of a State or local agen-
10 cy who—

11 “(A) is continually licensed to practice law;

12 and

13 “(B) prosecutes criminal or juvenile delin-
14 quency cases (or both) at the State or local
15 level, including an employee who supervises,
16 educates, or trains other persons prosecuting
17 such cases.

18 “(2) PUBLIC DEFENDER.—The term ‘public de-
19 fender’ means an attorney who—

20 “(A) is continually licensed to practice law;

21 and

22 “(B) is—

23 “(i) a full-time employee of a State or
24 local agency who provides legal representa-
25 tion to indigent persons in criminal or ju-
26 venile delinquency cases (or both), includ-

1 ing an attorney who supervises, educates,
2 or trains other persons providing such rep-
3 resentation;

4 “(ii) a full-time employee of a non-
5 profit organization operating under a con-
6 tract with a State or unit of local govern-
7 ment, who devotes substantially all of such
8 full-time employment to providing legal
9 representation to indigent persons in crimi-
10 nal or juvenile delinquency cases (or both),
11 including an attorney who supervises, edu-
12 cates, or trains other persons providing
13 such representation; or

14 “(iii) employed as a full-time Federal
15 defender attorney in a defender organiza-
16 tion established pursuant to subsection (g)
17 of section 3006A of title 18, United States
18 Code, that provides legal representation to
19 indigent persons in criminal or juvenile de-
20 linquency cases (or both).

21 “(3) STUDENT LOAN.—The term ‘student loan’
22 means—

23 “(A) a loan made, insured, or guaranteed
24 under part B of title IV of the Higher Edu-
25 cation Act of 1965 (20 U.S.C. 1071 et seq.);

1 “(B) a loan made under part D or E of
2 title IV of the Higher Education Act of 1965
3 (20 U.S.C. 1087a et seq. and 1087aa et seq.);
4 and

5 “(C) a loan made under section 428C or
6 455(g) of the Higher Education Act of 1965
7 (20 U.S.C. 1078–3 and 1087e(g)) to the extent
8 that such loan was used to repay a Federal Di-
9 rect Stafford Loan, a Federal Direct Unsub-
10 subsidized Stafford Loan, or a loan made under
11 section 428 or 428H of such Act.

12 “(c) PROGRAM AUTHORIZED.—The Attorney General
13 shall, subject to the availability of appropriations, estab-
14 lish a program by which the Department of Justice shall
15 assume the obligation to repay a student loan, by direct
16 payments on behalf of a borrower to the holder of such
17 loan, in accordance with subsection (d), for any borrower
18 who—

19 “(1) is employed as a prosecutor or public de-
20 fender; and

21 “(2) is not in default on a loan for which the
22 borrower seeks forgiveness.

23 “(d) TERMS OF LOAN REPAYMENT.—

24 “(1) BORROWER AGREEMENT.—To be eligible
25 to receive repayment benefits under subsection (c),

1 a borrower shall enter into a written agreement with
2 the Attorney General that specifies that—

3 “(A) the borrower will remain employed as
4 a prosecutor or public defender for a required
5 period of service of not less than 3 years, unless
6 involuntarily separated from that employment;

7 “(B) if the borrower is involuntarily sepa-
8 rated from employment on account of mis-
9 conduct, or voluntarily separates from employ-
10 ment, before the end of the period specified in
11 the agreement, the borrower will repay the At-
12 torney General the amount of any benefits re-
13 ceived by such employee under this section; and

14 “(C) if the borrower is required to repay
15 an amount to the Attorney General under sub-
16 paragraph (B) and fails to repay such amount,
17 a sum equal to that amount shall be recoverable
18 by the Federal Government from the employee
19 (or such employee’s estate, if applicable) by
20 such methods as are provided by law for the re-
21 covery of amounts owed to the Federal Govern-
22 ment.

23 “(2) REPAYMENT BY BORROWER.—

24 “(A) IN GENERAL.—Any amount repaid
25 by, or recovered from, an individual or the es-

1 tate of an individual under this subsection shall
2 be credited to the appropriation account from
3 which the amount involved was originally paid.

4 “(B) MERGER.—Any amount credited
5 under subparagraph (A) shall be merged with
6 other sums in such account and shall be avail-
7 able for the same purposes and period, and sub-
8 ject to the same limitations, if any, as the sums
9 with which the amount was merged.

10 “(C) WAIVER.—The Attorney General may
11 waive, in whole or in part, a right of recovery
12 under this subsection if it is shown that recov-
13 ery would be against equity and good conscience
14 or against the public interest.

15 “(3) LIMITATIONS.—

16 “(A) STUDENT LOAN PAYMENT
17 AMOUNT.—Student loan repayments made by
18 the Attorney General under this section shall be
19 made subject to the availability of appropria-
20 tions, and subject to such terms, limitations, or
21 conditions as may be mutually agreed upon by
22 the borrower and the Attorney General in an
23 agreement under paragraph (1), except that the
24 amount paid by the Attorney General under
25 this section shall not exceed—

1 “(i) \$10,000 for any borrower in any
2 calendar year; or

3 “(ii) an aggregate total of \$60,000 in
4 the case of any borrower.

5 “(B) BEGINNING OF PAYMENTS.—Nothing
6 in this section shall authorize the Attorney Gen-
7 eral to pay any amount to reimburse a borrower
8 for any repayments made by such borrower
9 prior to the date on which the Attorney General
10 entered into an agreement with the borrower
11 under this subsection.

12 “(e) ADDITIONAL AGREEMENTS.—

13 “(1) IN GENERAL.—On completion of the re-
14 quired period of service under an agreement under
15 subsection (d), the borrower and the Attorney Gen-
16 eral may, subject to paragraph (2), enter into an ad-
17 ditional agreement in accordance with subsection
18 (d).

19 “(2) TERM.—An agreement entered into under
20 paragraph (1) may require the borrower to remain
21 employed as a prosecutor or public defender for less
22 than 3 years.

23 “(f) AWARD BASIS; PRIORITY.—

1 “(1) AWARD BASIS.—The Attorney General
2 shall provide repayment benefits under this sec-
3 tion—

4 “(A) subject to the availability of appro-
5 priations; and

6 “(B) in accordance with paragraph (2), ex-
7 cept that the Attorney General shall determine
8 a fair allocation of repayment benefits among
9 prosecutors and defenders, and among employ-
10 ing entities nationwide.

11 “(2) PRIORITY.—In providing repayment bene-
12 fits under this section in any fiscal year, the Attor-
13 ney General shall give priority to borrowers—

14 “(A) who, when compared to other eligible
15 borrowers, have the least ability to repay their
16 student loans (considering whether the borrower
17 is the beneficiary of any other student loan re-
18 payment program), as determined by the Attor-
19 ney General; or

20 “(B) who—

21 “(i) received repayment benefits under
22 this section during the preceding fiscal
23 year; and

24 “(ii) have completed less than 3 years
25 of the first required period of service speci-

1 fied for the borrower in an agreement en-
2 tered into under subsection (d).

3 “(g) REGULATIONS.—The Attorney General is au-
4 thorized to issue such regulations as may be necessary to
5 carry out the provisions of this section.

6 “(h) REPORT BY INSPECTOR GENERAL.—Not later
7 than 3 years after the date of the enactment of this sec-
8 tion, the Inspector General of the Department of Justice
9 shall submit to Congress a report on—

10 “(1) the cost of the program authorized under
11 this section; and

12 “(2) the impact of such program on the hiring
13 and retention of prosecutors and public defenders.

14 “(i) GAO STUDY.—Not later than one year after the
15 date of the enactment of this section, the Comptroller
16 General shall conduct a study of, and report to Congress
17 on, the impact that law school accreditation requirements
18 and other factors have on the costs of law school and stu-
19 dent access to law school, including the impact of such
20 requirements on racial and ethnic minorities.

21 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section

1 \$25,000,000 for each of the fiscal years 2008 through
2 2013.”.

Passed the House of Representatives May 15, 2007.

Attest: LORRAINE C. MILLER,
Clerk.

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