

110TH CONGRESS
1ST SESSION

S. 442

To provide for loan repayment for prosecutors and public defenders.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2007

Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. SMITH, Mr. KERRY, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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 cases at the State
14 or local level.

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

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

18 and

19 “(B) is—

20 “(i) a full-time employee of a State or
21 local agency or a nonprofit organization
22 operating under a contract with a State or
23 unit of local government, that provides
24 legal representation to indigent persons in
25 criminal cases; or

1 “(ii) employed as a full-time Federal
2 defender attorney in a defender organiza-
3 tion established pursuant to subsection (g)
4 of section 3006A of title 18, United States
5 Code, that provides legal representation to
6 indigent persons in criminal cases.

7 “(3) STUDENT LOAN.—The term ‘student loan’
8 means—

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

12 “(B) a loan made under part D or E of
13 title IV of the Higher Education Act of 1965
14 (20 U.S.C. 1087a et seq. and 1087aa et seq.);
15 and

16 “(C) a loan made under section 428C or
17 455(g) of the Higher Education Act of 1965
18 (20 U.S.C. 1078–3 and 1087e(g)) to the extent
19 that such loan was used to repay a Federal Di-
20 rect Stafford Loan, a Federal Direct Unsub-
21 sidized Stafford Loan, or a loan made under
22 section 428 or 428H of such Act.

23 “(c) PROGRAM AUTHORIZED.—The Attorney General
24 shall establish a program by which the Department of Jus-
25 tice shall assume the obligation to repay a student loan,

1 by direct payments on behalf of a borrower to the holder
2 of such loan, in accordance with subsection (d), for any
3 borrower who—

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

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

8 “(d) TERMS OF AGREEMENT.—

9 “(1) IN GENERAL.—To be eligible to receive re-
10 payment benefits under subsection (c), a borrower
11 shall enter into a written agreement that specifies
12 that—

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

17 “(B) if the borrower is involuntarily sepa-
18 rated from employment on account of mis-
19 conduct, or voluntarily separates from employ-
20 ment, before the end of the period specified in
21 the agreement, the borrower will repay the At-
22 torney General the amount of any benefits re-
23 ceived by such employee under this section;

24 “(C) if the borrower is required to repay
25 an amount to the Attorney General under sub-

1 paragraph (B) and fails to repay such amount,
2 a sum equal to that amount shall be recoverable
3 by the Federal Government from the employee
4 (or such employee's estate, if applicable) by
5 such methods as are provided by law for the re-
6 covery of amounts owed to the Federal Govern-
7 ment;

8 “(D) the Attorney General may waive, in
9 whole or in part, a right of recovery under this
10 subsection if it is shown that recovery would be
11 against equity and good conscience or against
12 the public interest; and

13 “(E) the Attorney General shall make stu-
14 dent loan payments under this section for the
15 period of the agreement, subject to the avail-
16 ability of appropriations.

17 “(2) REPAYMENTS.—

18 “(A) IN GENERAL.—Any amount repaid
19 by, or recovered from, an individual or the es-
20 tate of an individual under this subsection shall
21 be credited to the appropriation account from
22 which the amount involved was originally paid.

23 “(B) MERGER.—Any amount credited
24 under subparagraph (A) shall be merged with
25 other sums in such account and shall be avail-

1 able for the same purposes and period, and sub-
2 ject to the same limitations, if any, as the sums
3 with which the amount was merged.

4 “(3) LIMITATIONS.—

5 “(A) STUDENT LOAN PAYMENT
6 AMOUNT.—Student loan repayments made by
7 the Attorney General under this section shall be
8 made subject to such terms, limitations, or con-
9 ditions as may be mutually agreed upon by the
10 borrower and the Attorney General in an agree-
11 ment under paragraph (1), except that the
12 amount paid by the Attorney General under
13 this section shall not exceed—

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

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

18 “(B) BEGINNING OF PAYMENTS.—Nothing
19 in this section shall authorize the Attorney Gen-
20 eral to pay any amount to reimburse a borrower
21 for any repayments made by such borrower
22 prior to the date on which the Attorney General
23 entered into an agreement with the borrower
24 under this subsection.

25 “(e) ADDITIONAL AGREEMENTS.—

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

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

11 “(f) AWARD BASIS; PRIORITY.—

12 “(1) AWARD BASIS.—Subject to paragraph (2),
13 the Attorney General shall provide repayment bene-
14 fits under this section on a first-come, first-served
15 basis, and subject to the availability of appropria-
16 tions.

17 “(2) PRIORITY.—The Attorney General shall
18 give priority in providing repayment benefits under
19 this section in any fiscal year to a borrower who—

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

23 “(B) has completed less than 3 years of
24 the first required period of service specified for

1 the borrower in an agreement entered into
2 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) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$25,000,000 for fiscal year 2008 and such sums as may
9 be necessary for each succeeding fiscal year.”.

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