

110TH CONGRESS  
1ST SESSION

# H. R. 916

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## 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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. LOAN REPAYMENT FOR PROSECUTORS AND DE-**  
5 **FENDERS.**

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

9               **“PART JJ—LOAN REPAYMENT FOR**  
10 **PROSECUTORS AND PUBLIC DEFENDERS**  
11 **“SEC. 3111. GRANT AUTHORIZATION.**

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

15       “(b) DEFINITIONS.—In this section:

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

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

21                       “(B) prosecutes criminal or juvenile delin-  
22 quency cases (or both) at the State or local  
23 level, including an employee who supervises,  
24 educates, or trains other persons prosecuting  
25 such cases.

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

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

4                   and

5                   “(B) is—

6                           “(i) a full-time employee of a State or  
7 local agency who provides legal representa-  
8 tion to indigent persons in criminal or ju-  
9 venile delinquency cases (or both), includ-  
10 ing an attorney who supervises, educates,  
11 or trains other persons providing such rep-  
12 resentation;

13                           “(ii) a full-time employee of a non-  
14 profit organization operating under a con-  
15 tract with a State or unit of local govern-  
16 ment, who devotes substantially all of such  
17 full-time employment to providing legal  
18 representation to indigent persons in crimi-  
19 nal or juvenile delinquency cases (or both),  
20 including an attorney who supervises, edu-  
21 cates, or trains other persons providing  
22 such representation; or

23                           “(iii) employed as a full-time Federal  
24 defender attorney in a defender organiza-  
25 tion established pursuant to subsection (g)

1 of section 3006A of title 18, United States  
2 Code, that provides legal representation to  
3 indigent persons in criminal or juvenile de-  
4 linquency cases (or both).

5 “(3) STUDENT LOAN.—The term ‘student loan’  
6 means—

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

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

14 “(C) a loan made under section 428C or  
15 455(g) of the Higher Education Act of 1965  
16 (20 U.S.C. 1078–3 and 1087e(g)) to the extent  
17 that such loan was used to repay a Federal Di-  
18 rect Stafford Loan, a Federal Direct Unsub-  
19 sidized Stafford Loan, or a loan made under  
20 section 428 or 428H of such Act.

21 “(c) PROGRAM AUTHORIZED.—The Attorney General  
22 shall, subject to the availability of appropriations, estab-  
23 lish a program by which the Department of Justice shall  
24 assume the obligation to repay a student loan, by direct  
25 payments on behalf of a borrower to the holder of such

1 loan, in accordance with subsection (d), for any borrower  
2 who—

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

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

7 “(d) TERMS OF LOAN REPAYMENT.—

8 “(1) BORROWER AGREEMENT.—To be eligible  
9 to receive repayment benefits under subsection (c),  
10 a borrower shall enter into a written agreement with  
11 the Attorney General that specifies that—

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

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

23 “(C) if the borrower is required to repay  
24 an amount to the Attorney General under sub-  
25 paragraph (B) and fails to repay such amount,

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

7 “(2) REPAYMENT BY BORROWER.—

8 “(A) IN GENERAL.—Any amount repaid  
9 by, or recovered from, an individual or the es-  
10 tate of an individual under this subsection shall  
11 be credited to the appropriation account from  
12 which the amount involved was originally paid.

13 “(B) MERGER.—Any amount credited  
14 under subparagraph (A) shall be merged with  
15 other sums in such account and shall be avail-  
16 able for the same purposes and period, and sub-  
17 ject to the same limitations, if any, as the sums  
18 with which the amount was merged.

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

24 “(3) LIMITATIONS.—

1                   “(A)       STUDENT       LOAN       PAYMENT  
2                   AMOUNT.—Student loan repayments made by  
3                   the Attorney General under this section shall be  
4                   made subject to the availability of appropria-  
5                   tions, and subject to such terms, limitations, or  
6                   conditions as may be mutually agreed upon by  
7                   the borrower and the Attorney General in an  
8                   agreement under paragraph (1), except that the  
9                   amount paid by the Attorney General under  
10                  this section shall not exceed—

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

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

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

22                   “(e) ADDITIONAL AGREEMENTS.—

23                         “(1) IN GENERAL.—On completion of the re-  
24                         quired period of service under an agreement under  
25                         subsection (d), the borrower and the Attorney Gen-

1       eral may, subject to paragraph (2), enter into an ad-  
2       ditional agreement in accordance with subsection  
3       (d).

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

8       “(f) AWARD BASIS; PRIORITY.—

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

12           “(A) subject to the availability of appro-  
13      priations; and

14           “(B) in accordance with paragraph (2), ex-  
15      cept that the Attorney General shall determine  
16      a fair allocation of repayment benefits among  
17      prosecutors and defenders, and among employ-  
18      ing entities nationwide.

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

22           “(A) who, when compared to other eligible  
23      borrowers, have the least ability to repay their  
24      student loans (considering whether the borrower  
25      is the beneficiary of any other student loan re-

1 payment program), as determined by the Attor-  
2 ney General; or

3 “(B) who—

4 “(i) received repayment benefits under  
5 this section during the preceding fiscal  
6 year; and

7 “(ii) have completed less than 3 years  
8 of the first required period of service speci-  
9 fied for the borrower in an agreement en-  
10 tered into under subsection (d).

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

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

18 “(1) the cost of the program authorized under  
19 this section; and

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

22 “(i) GAO STUDY.—Not later than one year after the  
23 date of the enactment of this section, the Comptroller  
24 General shall conduct a study of, and report to Congress  
25 on, the impact that law school accreditation requirements

1 and other factors have on the costs of law school and stu-  
2 dent access to law school, including the impact of such  
3 requirements on racial and ethnic minorities.

4 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
5 is authorized to be appropriated to carry out this section  
6 \$25,000,000 for each of the fiscal years 2008 through  
7 2013.”.

Passed the House of Representatives May 15, 2007.

Attest:

*Clerk.*



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