

JOHN R. JUSTICE PROSECUTORS AND DEFENDERS  
INCENTIVE ACT OF 2007

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MAY 14, 2007.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. CONYERS, from the Committee on the Judiciary,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 916]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill  
(H.R. 916) to provide for loan repayment for prosecutors and public  
defenders, having considered the same, reports favorably thereon  
with an amendment and recommends that the bill as amended do  
pass.

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## THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the “John R. Justice Prosecutors and Defenders Incentive Act of 2007”.

### SEC. 2. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

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

## “PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

### “SEC. 3111. GRANT AUTHORIZATION.

“(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

“(b) DEFINITIONS.—In this section:

“(1) PROSECUTOR.—The term ‘prosecutor’ means a full-time employee of a State or local agency who—

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

“(B) prosecutes criminal or juvenile delinquency cases (or both) at the State or local level, including an employee who supervises, educates, or trains other persons prosecuting such cases.

“(2) PUBLIC DEFENDER.—The term ‘public defender’ means an attorney who—

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

“(B) is—

“(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation;

“(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of such full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation; or

“(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both).

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

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

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

“(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

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

“(1) is employed as a prosecutor or public defender; and

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

“(d) TERMS OF LOAN REPAYMENT.—

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

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

“(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section; and

“(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee’s estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government.

“(2) REPAYMENT BY BORROWER.—

“(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

“(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

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

“(3) LIMITATIONS.—

“(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to the availability of appropriations, and subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

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

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

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

“(e) ADDITIONAL AGREEMENTS.—

“(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

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

“(f) AWARD BASIS; PRIORITY.—

“(1) AWARD BASIS.—The Attorney General shall provide repayment benefits under this section—

“(A) subject to the availability of appropriations; and

“(B) in accordance with paragraph (2), except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and defenders, and among employing entities nationwide.

“(2) PRIORITY.—In providing repayment benefits under this section in any fiscal year, the Attorney General shall give priority to borrowers—

“(A) who, when compared to other eligible borrowers, have the least ability to repay their student loans (considering whether the borrower is the beneficiary of any other student loan repayment program), as determined by the Attorney General; or

“(B) who—

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

“(ii) have completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

“(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

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

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

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

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

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

#### PURPOSE AND SUMMARY

For our Nation’s criminal justice system to function effectively, it is critical that there be a sufficient number of dedicated and competent attorneys working as prosecutors and public defenders. As a result of the escalating cost of law school education and competitive salaries in the private sector, however, prosecutor and public defender offices are encountering serious difficulties recruiting and retaining qualified attorneys. H.R. 916, the “John R. Justice Prosecutors and Defenders Incentive Act of 2007,” responds to this problem by establishing a targeted student loan repayment assistance program. This program will provide a meaningful incentive that will serve to recruit and retain qualified attorneys in the criminal justice system.

#### BACKGROUND AND NEED FOR THE LEGISLATION

According to the 2005 National Survey of Prosecutors conducted by the Bureau of Justice Statistics, 24 percent of State and local prosecutor offices had difficulty recruiting new attorneys, and 35 percent had difficulty retaining attorneys. These problems are particularly severe in large prosecutor offices. More than 60 percent of prosecutor offices that serve populations of 250,000 or more reported problems with attorney retention.

The same concerns apply to public defender offices. State and local governments are obligated to provide indigent defense services in order to satisfy criminal defendants’ constitutional right to counsel. A survey administered by Equal Justice Works and the National Legal Aid & Defender Association in 2002, however, found that more than 60 percent of public interest law employers, including State and local public defender offices, reported difficulty in attorney recruitment and retention.

When prosecutor and public defender offices are unable to recruit attorneys or retain experienced ones, the criminal justice system is undermined. Staff shortages may force offices to decline new cases, or may force existing staff to take on unmanageable workloads. This works to the detriment of the criminal justice system in a number of ways. It may result in lengthy and unnecessary delays; it may risk some cases being mishandled by inexperienced or overworked attorneys; it may result in innocent individuals remaining incarcerated while their cases wait to be processed; and it may result in guilty individuals being released as a result of case backlogs. H.R. 916, the “John R. Justice Prosecutors and Defenders Incentive Act of 2007,” addresses these problems by establishing,

within the Justice Department, a student loan repayment assistance program for attorneys who agree to remain employed for at least 3 years as State or local criminal prosecutors, or as Federal, State, or local public defenders in criminal cases. The bill permits these attorneys to enter into subsequent agreements, after the required 3-year minimum period, for additional periods of service.

The bill provides repayment assistance for student loans made, insured, or guaranteed under the Higher Education Act of 1965. It authorizes the Attorney General to make direct payments of up to \$10,000 per year to a lender on behalf of a prosecutor or defender borrower. The maximum aggregate value of payments made on behalf of a borrower is limited to \$60,000. H.R. 916 is named after the late John Justice, who served as a solicitor for the Sixth Judicial Circuit in South Carolina, and as president of the National District Attorneys Association. Mr. Justice was a strong supporter of student loan repayment assistance programs for public sector attorneys.

#### HEARINGS

The Committee's Subcommittee on Crime, Terrorism, and Homeland Security held 1 day of hearings on H.R. 916, on Tuesday, April 24, 2007. Testimony was received from Laurie Robinson, Director, Master of Science Program, Department of Criminology University of Pennsylvania; Douglas H. Palmer, Mayor of Trenton, New Jersey and President of the United States Conference of Mayors; Edmund H. Mosca, Chief of Police, Old Saybrook Department of Police Services, Old Saybrook, Connecticut; Kamala D. Harris, District Attorney, City of San Francisco, California; Mark Epley, Senior Counsel, Office of the Deputy Attorney General, United States Department of Justice; and John Monaghan, Consultant, New York City Law Department.

#### COMMITTEE CONSIDERATION

On April 26, 2007, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered the bill, H.R. 916, favorably reported, by voice vote, a quorum being present. On May 2, 2007, the Committee met in open session and ordered the bill, H.R. 916, favorably reported with an amendment, by voice vote, a quorum being present.

#### COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 916.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 916, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 7, 2007.*

Hon. JOHN CONYERS, Jr., *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 916, the John R. Justice Prosecutors and Defenders Incentive Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

PETER R. ORSZAG,  
DIRECTOR.

Enclosure

cc: Honorable Lamar S. Smith.  
Ranking Member

*H.R. 916—John R. Justice Prosecutors and Defenders Incentive Act of 2007.*

## SUMMARY

H.R. 916 would authorize the appropriation of \$25 million for each of fiscal years 2008 through 2013 for the Department of Justice to establish a program to repay student loans for certain prosecutors and public defenders who agree to serve for at least three years in those positions. Assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$83 million over the 2008–2012 period, with additional amounts spent in later years. Enacting H.R. 916 would not affect direct spending or revenues.

H.R. 916 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

## ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 916 is shown in the following table. For this estimate, CBO assumes that the amounts authorized by the bill will be appropriated by the beginning of each fiscal year. For this estimate, CBO assumes that outlays will follow

the historical rate of spending for similar programs. The cost of this legislation falls within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars					
	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	25	25	25	25	25
Estimated Outlays	6	13	17	22	25

#### INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 916 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

#### PREVIOUS CBO ESTIMATE

On March 9, 2007, CBO transmitted a cost estimate for S. 442, the John R. Justice Prosecutors and Defenders Incentive Act of 2007, as ordered reported by the Senate Committee on the Judiciary on March 1, 2007. That bill would authorize the appropriation of \$25 million for fiscal year 2008 and such sums as may be necessary for each subsequent year for the loan repayment program. CBO estimated that implementing S. 442 would cost about \$90 million over the 2008–2012 period.

#### ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (226–2860)  
 Impact on State, Local, and Tribal Governments: Melissa Merrell (225–3220)  
 Impact on the Private Sector: Jacob Kuipers (226–2960)

#### ESTIMATE APPROVED BY:

Peter H. Fontaine  
 Deputy Assistant Director for Budget Analysis

#### PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goal of H.R. 916 is to provide a meaningful incentive to recruit and retain qualified and experienced prosecutors and public defenders who can serve the criminal justice system.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

#### ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 916 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

## SECTION-BY-SECTION ANALYSIS

The following discussion describes the bill as reported by the Committee.

*Sec. 1. Short Title.* Section 1 sets forth the short title of the bill as the “John R. Justice Prosecutors and Defenders Incentive Act of 2007.”

*Sec. 2. Loan Repayment for Prosecutors and Defenders.* Section 2 adds new section 3111 to title I of the Omnibus Crime Control and Safe Streets Act of 1968 for the purpose of authorizing grants for student loan repayment assistance for prosecutors and public defenders. Section 3111(a) explains that the purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

Section 3111(b) defines “prosecutor” and “public defender” to include full-time employees of state or local agencies who: (1) are continually licensed to practice law; and (2) prosecute criminal cases or provide legal representation to indigent persons in criminal cases.

The definition of “public defender” includes full-time employees of a non-profit organization operating under a contract with a state or local government that provides indigent criminal defense services; numerous communities across the Nation, including New York City, Philadelphia, Seattle, Detroit, and Louisville, contract out the bulk of their indigent defense services to non-profit organizations.

Section 3111(c) authorizes the Attorney General to establish a program through which the Justice Department makes direct payments on behalf of an individual prosecutor or public defender to the lender, provided the individual is not in default on the loan, and subject to the Act’s other requirements.

Section 3111(d) sets forth the terms of the requisite written agreement that an individual must enter into in order to be eligible to receive repayment benefits. These terms include a commitment by the individual to remain employed as a prosecutor or public defender for not less than 3 years. An agreement with a required period of service for more than 3 years is permissible if mutually acceptable. The individual must also agree that if he or she is involuntarily separated from employment on account of misconduct or voluntarily separates before the end of the period specified in the agreement, the individual will repay the Attorney General any benefits received pursuant to the agreement. The Attorney General may waive, in whole or in part, a right of recovery if it would be against equity and good conscience or against the public interest. Student loan repayments under this section are limited to \$10,000 for an individual per year with an aggregate maximum of \$60,000 per individual.

Section 3111(e) provides that upon the completion of an individual’s first required period of service under such agreement, the individual may enter into an additional agreement. This subsequent agreement may be for less than 3 years, although loan repayments under an additional agreement remain limited to a maximum of \$10,000 per individual per year, with an aggregate maximum of \$60,000 per individual.

Section 3111(f) sets out the criteria pursuant to which the Attorney General may award loan repayment benefits under the pro-



gram. The provision requires the Attorney General to allocate repayment benefits fairly among prosecutors and public defenders, and among employing offices nationwide. It also mandates that the Attorney General give priority to those borrowers who have the least ability to repay their student loans.

Section 3111(g) authorizes the Attorney General to issue regulations as necessary to carry out the provisions of this Act.

Section 3111(h) requires the Justice Department's Inspector General to report to Congress within 3 years from the date of the Act's enactment on the impact of the loan repayment program on the hiring and retention of prosecutors and public defenders.

Section 3111(i) requires the Comptroller General to conduct a study of, and report back to Congress on, the impact of law school accreditation requirements on the cost of law school and student access to law school within 1 year after the date of the Act's enactment.

Subsection (j) authorizes the appropriation of \$25 million per year for fiscal years 2008 through 2013 for the purpose of implementing this Act.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

### OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

\* \* \* \* \*

#### TITLE I—JUSTICE SYSTEM IMPROVEMENT

\* \* \* \* \*

### ***PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS***

#### **SEC. 3111. GRANT AUTHORIZATION.**

(a) *PURPOSE.*—*The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.*

(b) *DEFINITIONS.*—*In this section:*

(1) *PROSECUTOR.*—*The term “prosecutor” means a full-time employee of a State or local agency who—*

*(A) is continually licensed to practice law; and*

*(B) prosecutes criminal or juvenile delinquency cases (or both) at the State or local level, including an employee who supervises, educates, or trains other persons prosecuting such cases.*

(2) *PUBLIC DEFENDER.*—*The term “public defender” means an attorney who—*

(A) is continually licensed to practice law; and

(B) is—

(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation;

(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of such full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation; or

(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both).

(3) **STUDENT LOAN.**—The term “student loan” means—

(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

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

(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078—3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

(c) **PROGRAM AUTHORIZED.**—The Attorney General shall, subject to the availability of appropriations, establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

(1) is employed as a prosecutor or public defender; and

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

(d) **TERMS OF LOAN REPAYMENT.**—

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

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

(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period speci-

*fied in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section; and*

*(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government.*

**(2) REPAYMENT BY BORROWER.—**

*(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.*

*(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.*

*(C) WAIVER.—The Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest.*

**(3) LIMITATIONS.—**

*(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to the availability of appropriations, and subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—*

*(i) \$10,000 for any borrower in any calendar year;*

*or*

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

*(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.*

**(e) ADDITIONAL AGREEMENTS.—**

*(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).*

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

**(f) AWARD BASIS; PRIORITY.—**

*(1) AWARD BASIS.—The Attorney General shall provide repayment benefits under this section—*

*(A) subject to the availability of appropriations; and*

(B) in accordance with paragraph (2), except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and defenders, and among employing entities nationwide.

(2) *PRIORITY.*—In providing repayment benefits under this section in any fiscal year, the Attorney General shall give priority to borrowers—

(A) who, when compared to other eligible borrowers, have the least ability to repay their student loans (considering whether the borrower is the beneficiary of any other student loan repayment program), as determined by the Attorney General; or

(B) who—

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

(ii) have completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

(g) *REGULATIONS.*—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

(h) *REPORT BY INSPECTOR GENERAL.*—Not later than 3 years after the date of the enactment of this section, the Inspector General of the Department of Justice shall submit to Congress a report on—

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

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

(i) *GAO STUDY.*—Not later than one year after the date of the enactment of this section, the Comptroller General shall conduct a study of, and report to Congress on, the impact that law school accreditation requirements and other factors have on the costs of law school and student access to law school, including the impact of such requirements on racial and ethnic minorities.

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

\* \* \* \* \*

#### ADDITIONAL VIEWS

H.R. 916, the “John R. Justice Prosecutors and Defenders Incentive Act of 2007,” establishes a loan forgiveness program within the Department of Justice for State and local prosecutors and for Federal, State and local public defenders. However, the bill, as introduced, raised several concerns regarding the breadth and cost of the loan forgiveness program.

We are pleased that the majority listened to our concerns and reached a bipartisan compromise that ensures fiscal responsibility while encouraging young attorneys to join the criminal justice system and preventing attrition.

Many law school graduates carry a large amount of student loan debt—on average, between \$50,000 and \$80,000. More than 80% of law students borrow to pay for their law degree, and the amount borrowed by many students exceeds \$100,000. At the same time,

the median entry-level salary for State prosecuting attorneys is \$46,000, and the median entry-level salary for public defenders is \$43,000.

The bill, as introduced, would have resulted in a very costly program. Although the bill caps repayment at \$60,000 per applicant, as few as 25,000 applicants would cost \$1.5 billion over the life of the program even with the cap in place. The bill also authorized the program at \$25 million for the first year and such sums as are necessary for each additional year. The bipartisan compromise authorizes \$25 million a year for six years. This fiscally responsible limit on the authorization provides Congress the opportunity to review the cost effectiveness of the program.

The bipartisan compromise also directs the Inspector General of the Department of Justice to review the costs of the program and determine whether the program positively impacts the hiring and retention of prosecutors and public defenders.

The compromise also directs the Department of Justice to administer this program subject only to the availability of appropriations, ensuring that the Department's criminal justice responsibilities remain a priority.

The bipartisan compromise directs the Attorney General to give priority to those applicants with the least ability to repay their loans. This provision guarantees that funds will be made available under this program to those prosecutors or public defenders suffering the greatest burden.

Several States and prosecuting agencies currently offer loan repayment programs. Yet, H.R. 916, as introduced, made no provision for whether participation in an existing State and local loan repayment program would offset repayment from this program. The substitute amends the bill to direct the Department of Justice to consider applicants' participation in other loan repayment programs when determining their ability to pay their loans.

LAMAR SMITH.  
STEVE CHABOT.  
DANIEL E. LUNGREN.

