

107TH CONGRESS
1ST SESSION

S. 1112

To provide Federal Perkins Loan cancellation for public defenders.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2001

Mr. DURBIN (for himself, Mr. CHAFEE, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. AKAKA, Mr. KERRY, Mr. SARBANES, Mr. JOHNSON, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide Federal Perkins Loan cancellation for 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. FEDERAL PERKINS LOAN CANCELLATION FOR**
4 **PUBLIC DEFENDERS.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The Department of Education has issued
8 clarifications that prosecuting attorneys are among
9 the class of law enforcement officers eligible for ben-

1 efits under the Federal Perkins Loan cancellation
2 program.

3 (2) Like prosecutors, public defenders also meet
4 all the eligibility requirements of the Federal Per-
5 kins Loan cancellation program as set forth in Fed-
6 eral regulations.

7 (3) Public defenders are law enforcement offi-
8 cers who play an integral role in our Nation’s adver-
9 sarial legal process. Public defenders fill the Su-
10 preme Court mandated role requiring that counsel
11 be appointed for the accused, by representing the in-
12 terests of criminally accused indigent persons.

13 (4) In order to encourage highly qualified attor-
14 neys to serve as public defenders, public defenders
15 should be included with prosecutors among the class
16 of law enforcement officers eligible to receive bene-
17 fits under the Federal Perkins Loan cancellation
18 program.

19 (b) AMENDMENT.—Section 465(a)(2)(F) of the
20 Higher Education Act of 1965 (20 U.S.C.
21 1087ee(a)(2)(F)) is amended by inserting “, or as a full-
22 time public defender for service to a local or State govern-
23 ment, or to the Federal Government (directly or by a con-
24 tract with a private, nonprofit organization)” after “agen-
25 cies”.

1 (c) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to—

3 (1) loans made under part E of title IV of the
4 Higher Education Act of 1965, whether made be-
5 fore, on, or after the date of enactment of this Act;
6 and

7 (2) service as a public defender that is provided
8 on or after the date of enactment of this Act.

9 (d) CONSTRUCTION.—Nothing in this section or the
10 amendment made by this section shall be construed to au-
11 thorize the refunding of any repayment of a loan.

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