

use by pregnant and parenting women offenders.

(C) A certification that the State has involved counties, Indian tribes, and other units of local government, when appropriate, in the development, expansion, modification, operation or improvement of proposed programs to address the use, manufacture, or sale of methamphetamine.

(D) A certification that funds received under this section will be used to supplement, not supplant, other Federal, State, Tribal, and local funds.

(E) A description of clinically appropriate practices and procedures to—

(i) screen and assess pregnant and parenting women offenders for addiction to methamphetamine and other drugs;

(ii) when clinically appropriate for both the women and children, provide family treatment for pregnant and parenting women offenders, with clinically appropriate services in the same location to promote family permanence and self sufficiency; and

(iii) provide for a process to enhance or ensure the abilities of the child welfare agency, criminal justice agency and State substance agency to work together to reunite families when appropriate in the case where family treatment is not provided.

#### (d) Period of grant

The grant shall be a three-year grant. Successful applicants may reapply for only one additional three-year funding cycle and the Attorney General may approve such applications.

#### (e) Performance accountability; reports and evaluations

##### (1) Reports

Successful applicants shall submit to the Attorney General a report on the activities carried out under the grant at the end of each fiscal year.

##### (2) Evaluations

Not later than 12 months at<sup>5</sup> the end of the 3 year funding cycle under this section, the Attorney General shall submit a report to the appropriate committees of jurisdiction that summarizes the results of the evaluations conducted by recipients and recommendations for further legislative action.

#### (f) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary.

(Pub. L. 109-177, title VII, § 756, Mar. 9, 2006, 120 Stat. 275; Pub. L. 110-161, div. B, title II, § 220(c), Dec. 26, 2007, 121 Stat. 1916.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the Combat Methamphetamine Epidemic Act of 2005, and also as part of the USA PATRIOT Improvement and Reauthorization

<sup>5</sup> So in original. Probably should be “after”.

Act of 2005, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

Section was formerly classified to section 3797cc-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2007—Subsec. (a)(2). Pub. L. 110-161, § 220(c)(1), inserted “, territorial, or Tribal” after “State”.

Subsec. (b)(1). Pub. L. 110-161, § 220(c)(2)(A), inserted “, territorial, or Tribal” after “State” and substituted “or” for “and/or”.

Subsec. (b)(2). Pub. L. 110-161, § 220(c)(2)(B), inserted “, territory, Indian tribe,” after “agency of the State” and after “criminal laws of that State”.

Subsec. (b)(C). Pub. L. 110-161, § 220(c)(2)(C), added par. (C).

Subsec. (c)(3). Pub. L. 110-161, § 220(c)(3)(A), substituted “Indian tribes” for “Indian Tribes”.

Subsec. (c)(4). Pub. L. 110-161, § 220(c)(3)(B)(i), struck out “State’s” after “expand the” and substituted “women or” for “women and/or” in introductory provisions.

Subsec. (c)(4)(A). Pub. L. 110-161, § 220(c)(3)(B)(ii), struck out “State” after “with the”.

Subsec. (c)(4)(C). Pub. L. 110-161, § 220(c)(3)(B)(iii), inserted “, Indian tribes,” after “involved counties”.

Subsec. (c)(4)(D). Pub. L. 110-161, § 220(c)(3)(B)(iv), inserted “, Tribal” after “Federal, State”.

#### SUBCHAPTER XXXV—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

#### Editorial Notes

##### CODIFICATION

This subchapter is comprised of part JJ of title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351. Another part JJ of title I of Pub. L. 90-351 was classified to subchapter XXXVI (§ 10681) of this chapter, prior to repeal by Pub. L. 115-391, title V, § 502(c)(1), Dec. 21, 2018, 132 Stat. 5228.

#### § 10671. 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 unit of local government who—

(A) is continually licensed to practice law; and

(B) prosecutes criminal or juvenile delinquency cases at the State or unit of local government level (including supervision, education, or training of 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 unit of local government who provides legal representation to indigent persons in

criminal or juvenile delinquency cases (including supervision, education, or training of 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 the employee's full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of 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 that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

### **(3) Student loan**

#### **(A) In general**

Except as provided in subparagraph (B), the term "student loan" means—

(i) 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.);

(ii) 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

(iii) 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)).

#### **(B) Exclusion of parent PLUS loans**

The term "student loan" does not include any of the following loans:

(i) A loan made to the parents of a dependent student under section 428B of the Higher Education Act of 1965 (20 U.S.C. 1078-2).

(ii) A Federal Direct PLUS Loan made to the parents of a dependent student.

(iii) 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 loan described in clause (i) or (ii).

#### **(c) Program authorized**

The Attorney General shall 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 agreement**

##### **(1) In general**

To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement 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 three 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;

(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;

(D) 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; and

(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

### **(2) Repayments**

#### **(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.

### **(3) Limitations**

#### **(A) Student loan payment amount**

Student loan repayments made by the Attorney General under this section shall be made 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 three years.

**(f) Award basis; priority**

**(1) Award basis**

Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

(B) subject to the availability of appropriations.

**(2) Priority**

The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

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

(B) has completed less than three 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 three years after August 14, 2008, 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 August 14, 2008, 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 are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

(Pub. L. 90-351, title I, §3001, as added Pub. L. 110-315, title IX, §952, Aug. 14, 2008, 122 Stat. 3470.)

**Editorial Notes**

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in sec. (b)(3)(A)(i), (ii), is Pub. L. 89-329, Nov. 8, 1965, 79

Stat. 1219. Parts B, D, and E of title IV of the Act are classified to parts B (§1071 et seq.), D (§1087a et seq.), and E (§1087aa et seq.), respectively, of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

CODIFICATION

Section was formerly classified to section 3797cc-21 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Another section 3001 of Pub. L. 90-351 was classified to section 10681 of this title, prior to repeal by Pub. L. 115-391.

**Statutory Notes and Related Subsidiaries**

SHORT TITLE

For short title of part E of title IX of Pub. L. 110-315, which enacted this subchapter, as the “John R. Justice Prosecutors and Defenders Incentive Act of 2008”, see section 951 of Pub. L. 110-315, set out as a Short Title of 2008 Act note under section 10101 of this title.

**SUBCHAPTER XXXVI—GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES**

**Editorial Notes**

CODIFICATION

This subchapter was comprised of part JJ of title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, as added by Pub. L. 110-199, title I, §114(2), Apr. 9, 2008, 122 Stat. 677, prior to repeal by Pub. L. 115-391, title V, §502(c)(1), Dec. 21, 2018, 132 Stat. 5228. Another part JJ of title I of Pub. L. 90-351 is classified to subchapter XXXV (§10671) of this chapter.

**§ 10681. Repealed. Pub. L. 115-391, title V, § 502(c)(1), Dec. 21, 2018, 132 Stat. 5228**

Section, Pub. L. 90-351, title I, §3001, as added Pub. L. 110-199, title I, §114(2), Apr. 9, 2008, 122 Stat. 677, related to grant program to evaluate and improve educational methods at prisons, jails, and juvenile facilities. See section 10741 of this title.

Section was formerly classified to section 3797dd of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Another section 3001 of Pub. L. 90-351 is classified to section 10671 of this title.

**SUBCHAPTER XXXVII—SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS**

**Editorial Notes**

CODIFICATION

This subchapter is comprised of part KK, formerly part X, of title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, as added by Pub. L. 109-248, title VI, §623, July 27, 2006, 120 Stat. 635, and redesignated part KK by Pub. L. 110-199, title I, §114(1), Apr. 9, 2008, 122 Stat. 677. Another part X of title I of Pub. L. 90-351, as added by Pub. L. 103-322, title XXI, §210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2066, is classified to subchapter XXIII (§10511 et seq.) of this chapter.

Pub. L. 110-199, title I, §114(1), Apr. 9, 2008, 122 Stat. 677, which directed amendment of title I of the Omnibus Crime Control and Safe Streets Act of 1968 by redesignating part X as part KK, was executed by redesignating part X of title I of Pub. L. 90-351, as added by Pub. L. 109-248, as part KK to reflect the probable intent of Congress.