

SEC. 431. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

Part B of title IV (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K the following:

SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

(a) Purpose- The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

(b) Definitions- In this section:

(1) CIVIL LEGAL ASSISTANCE ATTORNEY- The term 'civil legal assistance attorney' means an attorney who--

(A) is a full-time employee of--

(i) a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee; or

(ii) a protection and advocacy system or client assistance program that provides legal assistance with respect to civil matters and receives funding under--

(I) subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.);

(II) section 112 or 509 of the Rehabilitation Act of 1973 (29 U.S.C. 732, 794e);

(III) part A of title I of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.);

(IV) section 5 of the Assistive Technology Act of 1998 (29 U.S.C. 3004);

(V) section 1150 of the Social Security Act (42 U.S.C. 1320b-21);

(VI) section 1253 of the Public Health Service Act (42 U.S.C. 300d-53); or

(VII) section 291 of the Help America Vote Act of 2002 (42 U.S.C. 15461);

(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

(C) is continually licensed to practice law.

(2) STUDENT LOAN-

(A) IN GENERAL- Except as provided in subparagraph (B), the term 'student loan' means--

(i) subject to clause (ii), a loan made, insured, or guaranteed under this part, part D, or part E; and

(ii) a loan made under section 428C or 455(g), to the extent that such loan was used to repay--

(I) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

`(II) a loan made under section 428, 428B, or 428H; or

`(III) a loan made under part E.

`(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.

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

`(iii) A loan made under section 428C or 455(g), to the extent that such loan was used to repay--

`(I) a loan made to the parents of a dependent student under section 428B; or

`(II) a Federal Direct PLUS Loan made to the parents of a dependent student.

`(c) Program Authorized- From amounts appropriated under subsection (i) for a fiscal year, the Secretary shall carry out a program of assuming 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 civil legal assistance attorney; and

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

`(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 with the Secretary that specifies that--

`(A) the borrower will remain employed as a civil legal assistance attorney 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 Secretary the amount of any benefits received by such employee under this agreement;

`(C) if the borrower is required to repay an amount to the Secretary 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 by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

`(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be contrary to the public interest; and

`(E) the Secretary 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 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 Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed--

`(i) \$6,000 for any borrower in any calendar year; or

`(ii) an aggregate total of \$40,000 in the case of any borrower.

`(B) BEGINNING OF PAYMENTS- Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary 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 Secretary 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 civil legal assistance attorney for less than three years.

`(f) Award Basis; Priority-

`(1) AWARD BASIS- Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

`(2) PRIORITY- The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who--

`(A) has practiced law for five years or less and, for not less than 90 percent of the time in such practice, has served as a civil legal assistance attorney;

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

`(C) 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) Ineligibility for Double Benefits- No borrower may, for the same service, receive a reduction of loan obligations under both this section and section 428K or 455(m).

`(h) Regulations- The Secretary is authorized to issue such regulations as may be necessary to carry out this section.

`(i) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.'.