

Testimony of

The Honorable Richard J. Durbin

July 18, 2002

STATEMENT OF SENATOR RICHARD J. DURBIN

S. 486, the Innocence Protection Act

Thursday, July 18, 2002

I want to thank Chairman Leahy for his steadfast efforts to bring the "Innocence Protection Act" to this mark up. I am proud to be a co-sponsor of this important piece of legislation, and I look forward to working with my colleagues to ensure the final passage of this bill in Congress this year.

I also want to thank Senators Leahy, Specter, Feinstein, and Biden, who worked with me to include loan forgiveness as part of the bipartisan compromise substitute amendment that we will vote on today. I think it is critical that we provide this incentive program to public attorneys as part of any comprehensive death penalty reform effort.

Last month, this Committee held two hearings on various problems in the death penalty system. We heard from prosecutors, defense attorneys, law professors, and people who have been involved intimately in our state and federal death penalty systems. While these witnesses from different political and ideological backgrounds did not agree on everything, there was one issue on which they found themselves in unanimous agreement - that Congress should provide loan forgiveness to public sector attorneys.

It is no secret that law students today graduate with staggering amounts of debt. A recent analysis using data collected by the U.S. Department of Education estimates that the average cumulative debt for the law school class of 2000 was \$77,300. Unfortunately, however, the average entry-level public interest legal salary is only about \$34,000.

Almost a third of prosecutor's offices across the country reported problems with recruiting or retaining staff attorneys in 2001. Low salaries were cited as the primary reason for the problems. Even the Illinois Governor's Commission on Capital Punishment recently recommended that efforts be undertaken to reduce the burden of student loans for those entering criminal justice careers.

Therefore, I am very pleased that this item is included in the Leahy-Specter-Feinstein-Biden-Durbin substitute amendment to the Innocence Protection Act, and I want to thank the National District Attorneys Association, the National Legal Aid and Defenders Association, the American Bar Association, and many others who helped us on this effort.

This provision in the substitute amendment will establish a loan repayment option for prosecutors and public defenders who agree to serve as public interest attorneys for a minimum of three years. It is modeled after the loan repayment program in current law for federal employees, which was created to help federal agencies recruit and retain talented individuals for government jobs.

In fact, as Chairman of the Legislative Branch Appropriations Subcommittee, I authorized a student loan forgiveness program this year in the Senate for employees earning less than \$113,000 annually. I am pleased to note that some of the hardworking staff sitting around us are beneficiaries of this program.

Like the federal employee loan repayment program, my provision in this amendment will allow state and local prosecutors and public defenders to receive up to \$6,000 per year of loan debt repaid. Loan repayment benefits would be capped at a total of \$40,000 for an individual.

I recognize that this may not be as much as some might have wished for, but it is certainly better than what they have today, which is no assistance. Let me state today that I will continue to work on this issue as the bill moves to the floor - and also as the House companion to the Innocence Protection Act works its way through the other chamber - to include additional benefits for deserving public attorneys, including federal prosecutors and federal public defenders.

I urge my colleagues to vote in favor of the Leahy-Specter-Feinstein-Biden-Durbin amendment and vote to favorably report the bill to the floor. Thank you.