

Congress of the United States
Washington, DC 20515

June 11, 2010

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Attorney General:

We write to express our concern regarding the John R. Justice (JRJ) Grant Program FY 2010 State Solicitation, which was released by the U.S. Department of Justice pursuant to section 952 of the *Higher Education Opportunity Act* (P.L. 110-315). We are deeply troubled that the Solicitation—which provides funding to repay student loan debt of prosecutors and public defenders—provides funding only to prosecutors and public defenders that reside in the 50 states and the District of Columbia, thereby excluding those public servants that reside in the U.S. territories. Because there is no basis for this exclusion in the authorizing legislation, we respectfully request that you amend the Solicitation to ensure that prosecutors and public defenders in the territories are able to obtain the same benefits under the JRJ Grant Program as those in the states and D.C.

An analysis of both the specific legislation authorizing the JRJ Grant Program and the underlying statutory scheme supports the conclusion that the territories should be eligible for the benefits of the legislation. The *Higher Education Opportunity Act* itself provides no suggestion that prosecutors and public defenders residing in the territories should be excluded from the Program. To the contrary, the law that the Act amends—the *Omnibus Crime Control and Safe Streets Act of 1968*—expressly defines “State” to mean “any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.” 42 U.S.C. § 3791(a)(2). Nothing in the *Higher Education Opportunity Act* can be read to suggest that Congress intended this definition to be modified. Indeed, the territories regularly participate in programs administered by the Department’s Bureau of Justice Assistance, which makes the exclusion of the territories from the JRJ Grant Program all the more puzzling.

Finally, the Solicitation’s exclusion of the territories is incompatible with the *Higher Education Opportunity Act*’s definition of “public defender,” which is defined to include an attorney that is “employed as a full-time Federal defender attorney.” 42 U.S.C. 3797cc-21(b)(2)(iii). The territories are home to many Federal defenders, but the Solicitation excludes these defenders from the benefits available under the Program. In this respect, the Solicitation contravenes the

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clear intention of the *Higher Education Opportunity Act* to provide loan repayment to Federal defenders, among others, without regard to their place of residence within the United States.

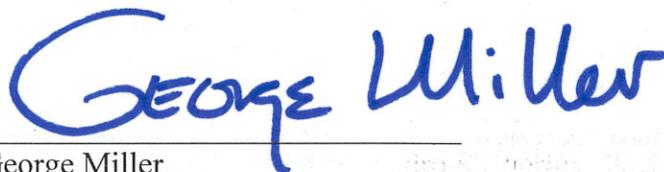
The territories have a need for prosecutors and public defenders that is no less acute than the need in the 50 states and the District of Columbia. By including the territories in the Solicitation, the Department will ensure that every community in our nation has an equal opportunity to recruit and retain these valuable public servants.

Because the July 27, 2010 deadline for applications is fast approaching, we would appreciate your timely response to this letter. Thank you for your attention to this important issue.

Sincerely,



Pedro R. Pierluisi
Member of Congress



George Miller
Member of Congress



John Conyers, Jr.
Member of Congress



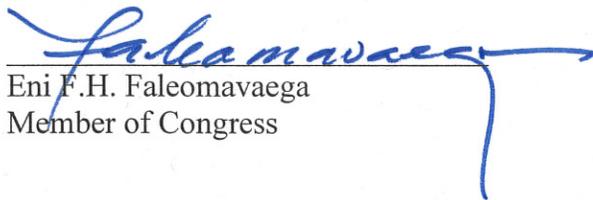
David Scott
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