

109TH CONGRESS
1ST SESSION

H. R. 3802

To provide student loan forgiveness to the surviving spouses and parents
of the victims of Hurricane Katrina.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2005

Mrs. MCCARTHY (for herself, Mr. GEORGE MILLER of California, Mr. PASCRELL, Ms. LINDA T. SÁNCHEZ of California, Mr. ISRAEL, Mr. BISHOP of New York, Mr. MILLER of North Carolina, Ms. SCHWARTZ of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. WATT, Mr. PAYNE, Mr. JEFFERSON, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. KILDEE, and Mr. OWENS) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide student loan forgiveness to the surviving spouses
and parents of the victims of Hurricane Katrina.

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. SHORT TITLE.**

4 This Act may be cited as the “Hurricane Katrina
5 Surviving Spouse Student Loan Relief Act”.

6 **SEC. 2. CANCELLATION OF STUDENT LOAN INDEBTEDNESS** 7 **FOR SPOUSES AND PARENTS.**

8 (a) **DEFINITIONS.**—For purposes of this section:

1 (1) ELIGIBLE VICTIM.—The term “eligible vic-
2 tim” means an individual who died (or dies) or be-
3 came (or becomes) permanently and totally disabled
4 due to injuries caused by Hurricane Katrina, or
5 caused by the flood or other consequences of Hurri-
6 cane Katrina, as determined in accordance with reg-
7 ulations prescribed by the Secretary.

8 (2) ELIGIBLE SPOUSE.—The term “eligible
9 spouse” means the spouse of an eligible victim.

10 (3) ELIGIBLE PARENT.—The term “eligible
11 parent” means an individual who is the parent of an
12 eligible victim and who is the borrower of a Federal
13 PLUS loan under section 428B, or a Federal Direct
14 PLUS loan under part D of title IV, of the Higher
15 Education Act of 1965, that was obtained and used
16 for the cost of attendance of such eligible victim.
17 Such an individual is an eligible parent for purposes
18 of this Act only with respect to the amounts owed on
19 such loan.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of Education.

22 (5) FEDERAL STUDENT LOAN.—The term
23 “Federal student loan” means any loan made, in-
24 sured, or guaranteed under part B, D, or E of title
25 IV of the Higher Education Act of 1965.

1 (b) IN GENERAL.—The Secretary shall provide for
2 the discharge or cancellation of the Federal student loan
3 indebtedness of an eligible spouse or an eligible parent in
4 the same manner that the Federal student loan indebted-
5 ness of an eligible victim is required to be discharged or
6 canceled under sections 437(a), 455(a)(1), and
7 464(c)(1)(F) of the Higher Education Act of 1965 (20
8 U.S.C. 1087(a), 1087e(a)(1), 1087dd(c)(1)(F)), as the
9 case may be. Such discharge or cancellation shall apply
10 to the principal and accrued unpaid interest outstanding
11 on the date of the injury causing the death or disability
12 of the eligible victim.

13 (c) FACILITATION OF CLAIMS.—The Secretary
14 shall—

15 (1) by regulation, establish procedures for the
16 filing of applications for discharge or cancellation
17 under this section, which regulations shall be pre-
18 scribed and published within 30 days after the date
19 of enactment of this Act and without regard to the
20 requirements of section 553 of title 5, United States
21 Code; and

22 (2) take such actions as may be necessary to
23 publicize the availability of discharge or cancellation
24 of Federal student loan indebtedness for eligible
25 spouses and eligible parents under this section.

1 (d) AVAILABILITY OF FUNDS FOR PAYMENTS.—

2 Funds available for the purposes of making payments to
3 lenders in accordance with section 437(a) for the dis-
4 charge of indebtedness of eligible victims shall be available
5 for making payments under section 437(a) to the spouses
6 and parents of such individuals as required by this section.

7 (e) NO DELAY IN REGULATIONS.—Sections 482(c)
8 and 492 of the Higher Education Act of 1965 (20 U.S.C.
9 1089(c), 1098a) shall not apply to the regulations re-
10 quired by this section.

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