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DCL ID: GEN-07-08

FP-07-10

CB-07-15

Subject: Approval of Loan Discharge Application for Spouses and Parents of September 11, 2001 Victims

Summary: This letter announces the approval of a new loan discharge application for use by borrowers in the Federal Family Education Loan (FFEL), William D. Ford Federal Direct Loan (Direct Loan), and Federal Perkins Loan (Perkins Loan) programs who are the spouses or parents of eligible public servants or other eligible victims of the September 11, 2001 terrorist attacks.

Posted on 11-09-2007

Dear Colleague:

As we previously announced in [DCL GEN-06-21](#), the Third Higher Education Extension Act of 2006 (the THEEA), Public Law 109-292, authorized the discharge of the outstanding balance of certain FFEL, Direct Loan, and Perkins Loan program loans made to the spouses or parents of eligible public servants and other eligible victims of the September 11, 2001 terrorist attacks. Interim final regulations implementing this new loan discharge provision were published in the Federal Register on December 28, 2006 ([71 FR 78075](#)). Final regulations were published on September 28, 2007 ([72 FR 55049](#)).

The loan discharge benefit created by the THEEA is available only for FFEL, Direct Loan, and Perkins Loan program loans on which amounts were owed on September 11, 2001, and on which amounts are still owed on the date the discharge is requested. The THEEA does not authorize the refunding of any payments that a borrower made on a loan prior to the loan discharge date.

The Office of Management and Budget (OMB) has approved a new loan discharge application under OMB No. 1845-0079 (*Loan Discharge Application: Spouses and Parents of September 11, 2001 Victims*) to be used by eligible FFEL, Direct Loan, and Perkins Loan borrowers to apply for the new loan discharge.

Implementation of the New Loan Discharge Application

The attached *Loan Discharge Application: Spouses and Parents of September 11, 2001 Victims* may be made available to borrowers for immediate use. FFEL Program participants and Perkins Loan schools must make the new loan discharge application available to borrowers no later than January 31, 2008. Requests for the new loan discharge made by borrowers using other means that were in place before January 31, 2008 may continue to be processed after that date.

Printing Instructions and Imaging Technology

The attached form must be printed with black ink on white paper. The typeface, point size, and general presentation of the form may not be changed from the OMB-approved form. No changes to, deletions from, or additions to the approved language on the form are allowed, except that the order of the loan program names that appear throughout the form (Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Federal Perkins Loan Program) may be changed depending on the program for which the form is being used. The blank spaces at the top, bottom, or sides of the form may be used for bar coding.

To accommodate imaging technology, the instructions tell the borrower to complete and sign the form in ink. However, a pencil signature does not invalidate the form.

Obtaining Copies for Reproduction

The *Loan Discharge Application: Spouses and Parents of September 11, 2001 Victims* is available in PDF and Microsoft Word format as attachments to this letter. In addition, the form is also available on the National Council of Higher Education Loan Programs (NCHELP) web site at www.nchelp.org.

Sincerely,

Jeff Baker, Director
Policy Liaison and Implementation
Federal Student Aid

Attachments/Enclosures:

[GEN-07-08: Loan Discharge Application in Microsoft Word, 216KB, 4 pages](#)

[GEN-07-08: Loan Discharge Application in PDF Format, 87KB, 4 pages](#)

SECTION 8: DEFINITIONS (continued from page 2)

- A **spouse** of an eligible public servant or other eligible victim must have been married to the eligible public servant or other eligible victim on September 11, 2001 and must currently be married to that individual, or must have been married to that individual at the time of the individual's death.
- **Eligible public servant** means an individual who **(a)** served as a police officer, firefighter, other safety or rescue personnel, or as a member of the Armed Forces, and **(b)** died or became permanently and totally disabled due to injuries suffered in the terrorist attacks on September 11, 2001.
- **Eligible victim** means an individual who died or became permanently and totally disabled due to injuries suffered in the terrorist attacks on September 11, 2001, except for an individual who has been identified as a participant or conspirator in the terrorist-related crashes on September 11, 2001.
- **Eligible parent** means an individual who owes a Federal PLUS Loan or a Direct PLUS Loan obtained on behalf of an eligible victim, or who owes a Federal Consolidation Loan or a Direct Consolidation Loan that was used to repay a Federal PLUS Loan or a Direct PLUS Loan obtained on behalf of an eligible victim.
NOTE: An eligible parent who owes a loan obtained on behalf of an eligible public servant may qualify for a loan discharge in accordance with the requirements for loan discharge based on the death or permanent and total disability of an eligible victim.
- The **Federal Family Education Loan (FFEL) Program** includes Federal Stafford Loans (both subsidized and unsubsidized), Federal Supplemental Loans for Students (SLS), Federal PLUS Loans, and Federal Consolidation Loans.
- The **Federal Perkins Loan (Perkins Loan) Program** includes Federal Perkins Loans, National Direct Student Loans (NDSL), and National Defense Student Loans (NDSL).
- The **William D. Ford Federal Direct Loan (Direct Loan) Program** includes Federal Direct Stafford/Ford Loans (Direct Subsidized Loans), Federal Direct Unsubsidized Stafford/Ford Loans (Direct Unsubsidized Loans), Federal Direct PLUS Loans (Direct PLUS Loans), and Federal Direct Consolidation Loans (Direct Consolidation Loans).
- An **eligible loan** for the purpose of this loan discharge is **(1)** any outstanding FFEL, Direct Loan, or Perkins Loan program loan on which amounts were owed by the borrower on September 11, 2001; or **(2)** the outstanding portion of a Federal Consolidation Loan or Direct Consolidation Loan attributable to FFEL, Direct Loan, or Federal Perkins Loan program loans that were owed on September 11, 2001.
- The **holder** of your FFEL Program loan(s) may be a lender, a guaranty agency, or the U.S. Department of Education (ED). The holder of your Perkins Loan Program loan(s) may be a school you attended or ED. The holder of your Direct Loan Program loan(s) is ED.

SECTION 9: DOCUMENTATION REQUIREMENTS

A. For the death of an eligible public servant:

1. A certification from an authorized official of the Armed Forces, police, fire, or safety/rescue agency (for example, military commanding or personnel officer, or human resources official) that the individual identified in Section 5 of this form was a member of the Armed Forces, or was employed as a police officer, firefighter, or other safety or rescue personnel, and was present at the World Trade Center in New York City, New York, at the Pentagon in Virginia, or at the Shanksville, Pennsylvania site at the time of the terrorist-related aircraft crashes or in the immediate aftermath of these crashes; and
2. Documentation that the individual identified in Section 5 of this form is included on an official list of the individuals who died in the September 11, 2001 terrorist attacks; or, if the individual is not included on such a list:
 - An original or certified copy of the individual's death certificate or, if the individual owed a FFEL, Direct Loan, or Federal Perkins Loan program loan at the time of the terrorist attacks, documentation that the individual's loan was discharged by the loan holder due to death; and
 - A certification from a physician or medical examiner that the individual died due to injuries suffered in the terrorist attacks on September 11, 2001; or
3. In exceptional circumstances and on a case-by-case basis, other reliable documentation in lieu of the documentation specified in A.1. and/or A.2. of this section, as determined by the chief executive officer of the guaranty agency (for FFEL Program loans), the chief financial officer of the school (for Perkins Loan Program loans), or the Secretary of Education (for Direct Loan Program loans).

B. For the death of an eligible victim:

- The documentation specified in A.2. or A.3. of this section.

C. For the permanent and total disability of an eligible public servant:

1. The documentation specified in A.1. of this section;
2. Copies of contemporaneous medical records created by or at the direction of a medical professional who provided medical care to the individual identified in Section 5 of this form within 72 hours after the injury was sustained or within 72 hours after the individual was rescued (a "contemporaneous" medical record means a record that was created at the time the medical care was provided); and
3. A certification in Section 7 of this form by a physician, who is a doctor of medicine or osteopathy and who is legally authorized to practice in a State, that the individual identified in Section 5 of this form is permanently and totally disabled as a result of injuries suffered in the terrorist attacks on September 11, 2001.

D. For the permanent and total disability of an eligible victim:

- The documentation specified in C.2. and C.3. of this section.

SECTION 10: LOAN DISCHARGE TERMS AND CONDITIONS

- If you qualify for loan discharge as a September 11, 2001 survivor, you are relieved of the obligation to make further payments on your eligible loans, in accordance with the terms specified below. Any payments you made on a loan prior to discharge are not returned.
- If you are the **spouse of an eligible public servant**, you are relieved of the obligation to make further payments on any of your eligible loans, including any eligible Federal Consolidation Loan or Direct Consolidation Loan that was made jointly to you and the eligible public servant.
- If you are the **spouse of an eligible victim (other than an eligible public servant)**, you are relieved of the obligation to make further payments on the portion of a Federal Consolidation Loan or a Direct Consolidation loan made jointly to you and the victim that is attributable to the victim's eligible loans. You will remain responsible for repaying the portion of the consolidation loan that is attributable to your loans.
- If you are the **parent of an eligible victim**, you are relieved of the obligation to make further payments on **(1)** an eligible Federal PLUS Loan or Direct PLUS Loan that you obtained on behalf of the victim, and **(2)** the portion of a Federal Consolidation Loan or a Direct Consolidation Loan that is attributable to eligible Federal PLUS Loans or Direct PLUS Loans you obtained on behalf of the victim.

SECTION 11: WHERE TO SEND THE COMPLETED LOAN DISCHARGE APPLICATION

Send the completed loan discharge application and any attachments to:
(If no address is shown, return to your loan holder.)

If you need help completing this form, call:

SECTION 12: IMPORTANT NOTICES

Privacy Act Notice. The Privacy Act of 1974 (5 U.S.C. 552a) requires that the following notice be provided to you:

Sections 421 et seq., 451 et seq., and 461 et seq. of the Higher Education Act (HEA) of 1965, as amended (20 U.S.C. 1071 et seq., 20 U.S.C. 1087a et seq., and 20 U.S.C. 1087aa et seq.), and §6 of the Third Higher Education Extension Act of 2006 (THEEA), Pub. L. 109-292, provide the authorities for collecting the requested information from and about you and about your spouse or child who is an eligible public servant or eligible victim as defined in §6(a)(1) and (2) of the THEEA. The authorities for collecting and using your Social Security Number (SSN) and the SSN of your spouse or child who is an eligible public servant or eligible victim, as defined in §6(a)(1) and (2) of the THEEA, are §§428B(f) and 484(a)(4) of the HEA (20 U.S.C. 1078-2(f) and 1091(a)(4)), 31 U.S.C. 7701(b), and §6 of the THEEA. Participating in the Federal Family Education Loan (FFEL) Program, the William D. Ford Federal Direct Loan (Direct Loan) Program, or the Federal Perkins Loan (Perkins Loan) Program and giving us your SSN are voluntary, but you must provide the requested information, including your SSN, to participate.

The principal purposes for collecting the information on this form, including your SSN and the SSN of your spouse or child who is an eligible public servant or eligible victim as defined in §6(a)(1) and (2) of the THEEA, are to verify your identity and the identity of the eligible public servant or eligible victim, to determine your eligibility to receive a loan or a benefit on a loan (such as a deferment, forbearance, discharge, or forgiveness) under the FFEL, Direct Loan, and/or Perkins Loan Programs, to permit the servicing of your loan(s), and, if it becomes necessary, to locate you and to collect and report on your loan(s) if your loan(s) become delinquent or in default. We also use your SSN as an account identifier and to permit you to access your account information electronically.

The information in your file may be disclosed, on a case-by-case basis or under a computer matching program, to third parties as authorized under routine uses in the appropriate systems of records notices. The routine uses of this information include, but are not limited to, its disclosure to federal, state, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to consumer reporting agencies, to financial and educational institutions, and to guaranty agencies in order to verify your identity, to determine your eligibility to receive a loan or a benefit on a loan, to permit the servicing or collection of your loan(s), to enforce the terms of the loan(s), to investigate possible fraud and to verify compliance with federal student financial aid program regulations, or to locate you if you become delinquent in your loan payments or if you default. To provide default rate calculations, disclosures may be made to guaranty agencies, to financial and educational institutions, or to state agencies. To provide financial aid history information, disclosures may be made to educational institutions. To assist program administrators with tracking refunds and cancellations, disclosures may be made to guaranty agencies, to financial and educational institutions, or to federal or state agencies. To provide a standardized method for educational institutions to efficiently submit student enrollment status, disclosures may be made to guaranty agencies or to financial and educational institutions. To counsel you in repayment efforts, disclosures may be made to guaranty agencies, to financial and educational institutions, or to federal, state, or local agencies.

In the event of litigation, we may send records to the Department of Justice, a court, adjudicative body, counsel, party, or witness if the disclosure is relevant and necessary to the litigation. If this information, either alone or with other information, indicates a potential violation of law, we may send it to the appropriate authority for action. We may send information to members of Congress if you ask them to help you with federal student aid questions. In circumstances involving employment complaints, grievances, or disciplinary actions, we may disclose relevant records to adjudicate or investigate the issues. If provided for by a collective bargaining agreement, we may disclose records to a labor organization recognized under 5 U.S.C. Chapter 71. Disclosures may be made to our contractors for the purpose of performing any programmatic function that requires disclosure of records. Before making any such disclosure, we will require the contractor to maintain Privacy Act safeguards. Disclosures may also be made to qualified researchers under Privacy Act safeguards.

Paperwork Reduction Notice. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for this information collection is 1845-0079. The time required to complete this information collection is estimated to average 1 hour (60 minutes) per response, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. **If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, DC 20202-4700. **Do not send the completed loan discharge application to this address.**

If you have questions regarding the status of *your individual submission* of this form, contact your loan holder (see Section 11).