

BIAA Endorses the Christopher Bryski Student Loan Protection Act

This week, BIAA joined Congressman John Adler in support of a bill that would ensure a method be in place when applying for Federal or Private student loans to designate who will make decisions on your behalf regarding all medical, financial, and legal matters in the event you are catastrophically ill, catastrophically injured, temporarily disabled, permanently disabled or deceased.

On June 17, 2004, 23 year old Christopher Bryski fell forty five feet to the ground in a recreational accident. He sustained a severe Traumatic Brain Injury and was in a coma for approximately 4 weeks. After emerging from the coma Christopher remained in a persistent vegetative state for almost two years before passing away on July 16, 2006.

At the time of Christopher's accident, he was in his third year of academic study at Rutgers University and needed to supplement his federal student loans with a private alternative education loan through a private lender, in which his father was a co-signer and is still liable after his death for the amount of the loan.

The bill introduced by Congressman Adler would address this important issue for parents and caregivers in the following ways:

Any private educational lender (i.e Citibank, Wells Fargo, Chase, PNC, etc.) shall:

- Discuss with the student and the cosigner of the loan the benefits of creating a power of attorney, in the event of the death or incapacity of the student or cosigner
- Define clearly and concisely the obligations of the cosigner, including the effect of death or incapacity of the student or cosigner
- Discuss with the student and the cosigner the benefit of credit insurance in connection with the loan, however the private educational lender may not require credit insurance or deny a loan on the basis that the borrower or any cosigner has not obtained credit insurance
- Gives power to the Federal Reserve to define death or incapacity in conjunction with the Secretary of Education and institute standards regarding the borrower's or cosigner's obligation if the borrower or cosigner were to die or become incapacitated
- Federal PLUS Loans and Federal Consolidation Loans:
 - Discuss with the prospective borrower the uses and benefits of creating a durable power of attorney in the event of the death or incapacity of the borrower or the student on whose behalf the loan is borrowed by the parent borrower
 - Amends Entrance Counseling requirements for Federal Loans:
 - Provide information during entrance counseling that describes the loan discharge rules in the case of death or disability, and the possibility that private loans may not be discharged upon death or disability
 - Provide information with respect to creating a durable power of attorney and its benefits and uses

BIAA applauds Representative Adler for his commitment to this important issue and will continue to monitor the status of the bill and advocate on its behalf.