

# [RELEASE: Statutory Text and History Make Clear that the Student Debt Relief Plan Is Authorized by the HEROES Act, Constitutional Accountability Center Amicus Brief on Behalf of Former Representative George Miller Argues](#)

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**WASHINGTON, DC** – Earlier today, the Constitutional Accountability Center (CAC) filed a brief at the Supreme Court on behalf of former Representative George Miller in *Biden v. Nebraska* and *Department of Education v. Brown* in support of the government’s student debt relief plan. Representative Miller was one of the chief architects of the HEROES Act of 2003, and the brief explains that the debt relief plan is a lawful exercise of the Education Secretary’s authority under that Act because it gives the Secretary broad authority to respond to national emergencies like the COVID-19 pandemic.

CAC Appellate Counsel [Smita Ghosh](#) said:

In response to an unprecedented global pandemic, and relying on authority Congress gave the Education Secretary in the HEROES Act, the Education Secretary put in place a debt relief plan that reflected the breadth of the economic hardship created by COVID-19. Those now challenging this plan argue that Congress did not give the Secretary the authority to relieve student debt in this way, but Representative George Miller, one of the chief architects of the HEROES Act, disagrees. As our brief, which was filed on Rep. Miller’s behalf, explains, the HEROES Act gives the Education Secretary significant authority to ease the burdens on borrowers who have been affected by unexpected national emergencies. This statutory authority has been exercised by administrations of both political parties, including by the Trump administration.

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Resources:

Amicus brief in *Biden v. Nebraska* and *Department of Education v.*

*Brown*: [https://www.theusconstitution.org/wp-](https://www.theusconstitution.org/wp-content/uploads/2022/11/20230111104258008_Biden-v.-Nebraska-Miller-Amicus-Brief.pdf)

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