

[116H8400]

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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend the Higher Education Act of 1965 to allow certain Federal student loans to be transferred from a parent to a child, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FOSTER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Higher Education Act of 1965 to allow certain Federal student loans to be transferred from a parent to a child, and for other purposes.

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 “Parent PLUS Loan
5 Fairness and Responsibility Act”.

1 **SEC. 2. TRANSFER OF FEDERAL STUDENT LOANS FROM**
2 **PARENT TO CHILD.**

3 Part G of title IV of the Higher Education Act of
4 1965 (20 U.S.C. 1088 et seq.) is amended by inserting
5 after section 493D the following:

6 **“SEC. 493E. TRANSFER OF FEDERAL STUDENT LOANS FROM**
7 **PARENT TO CHILD.**

8 “(a) IN GENERAL.—A covered parent loan may be
9 transferred from the original borrower of the loan to a
10 child of such borrower in accordance with this section.

11 “(b) TRANSFER REQUIREMENTS.—A covered parent
12 loan may be transferred to a child under subsection (a)
13 only if—

14 “(1) the loan is in good standing, as determined
15 by the Secretary;

16 “(2) the loan was used to pay the educational
17 expenses of the child to whom the loan is to be
18 transferred;

19 “(3) the child to whom the loan is to be trans-
20 ferred—

21 “(A) has attained the age of 18 years; and

22 “(B) demonstrates the ability to repay the
23 loan, as determined by the Secretary in accord-
24 ance with subsection (c);

25 “(4) the child, the parent, and the lender agree,
26 in writing, to the transfer of the loan;

1 “(5) the agreement described in paragraph (4)
2 notifies the child to whom the loan is transferred of
3 the effect of the transfer on the eligibility of the loan
4 for forgiveness under section 455(m); and

5 “(6) a period of 180 days has elapsed during
6 which the child was not pursuing—

7 “(A) at least a half-time course of study as
8 determined by an institution of higher edu-
9 cation; or

10 “(B) a course of study pursuant to a grad-
11 uate fellowship program approved by the Sec-
12 retary, or pursuant to a rehabilitation training
13 program for disabled individuals approved by
14 the Secretary.

15 “(c) DETERMINATION OF ABILITY TO REPAY
16 LOAN.—In determining the ability of a child to repay a
17 covered parent loan under subsection (b)(3)(B), the Sec-
18 retary shall consider the following:

19 “(1) The child’s employment status, income
20 level, and credit history.

21 “(2) The total dollar amount of the loans pro-
22 posed to be transferred to the child.

23 “(3) The debt-to-income ratio of the child be-
24 fore such transfer.

1 “(4) The projected debt-to-income ratio of the
2 child after such transfer.

3 “(5) Any other factors the Secretary determines
4 to be relevant to the ability of the child to repay the
5 loan.

6 “(d) TREATMENT OF TRANSFERRED LOAN.—A cov-
7 ered parent loan transferred to a child under subsection
8 (a) shall have the same terms, conditions, and benefits ap-
9 plicable to the loan before the date of such transfer except
10 that—

11 “(1) the child to whom the loan is transferred
12 shall be treated as the original borrower of the loan;
13 and

14 “(2) the parent who transferred the loan to the
15 child shall not be responsible for paying—

16 “(A) the outstanding balance of principal
17 or interest on the loan; or

18 “(B) any other costs associated with the
19 loan, including fees.

20 “(e) EFFECT ON LOAN LIMITS.—Notwithstanding
21 any other provision of this Act, a covered parent loan
22 transferred to a child under subsection (a) shall not be
23 counted toward the child’s annual or aggregate maximum
24 loan limits under this title.

1 “(f) COVERED PARENT LOAN DEFINED.—In this
2 section, the term ‘covered parent loan’ means—

3 “(1) a loan made to a parent on behalf of a de-
4 pendent student under section 428B;

5 “(2) a Federal Direct PLUS Loan made to the
6 parent of a dependent student; or

7 “(3) a loan made under section 428C or
8 455(g), to the extent that such loan was used to
9 repay—

10 “(A) a loan made to the parent of a de-
11 pendent student under section 428B; or

12 “(B) a Federal Direct PLUS Loan made
13 to the parent of a dependent student.”.

14 **SEC. 3. TREATMENT OF COVERED PARENTS LOANS UNDER**
15 **INCOME-DRIVEN REPAYMENT PLANS.**

16 (a) REPAYMENT PLANS.—Section 455(d)(1) of the
17 Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1))
18 is amended—

19 (1) in subparagraph (D), by inserting before
20 the semicolon at the end the following: “, and the
21 plan described in this subparagraph shall be avail-
22 able to the transferee of a covered parent loan that
23 is transferred under section 493E”; and

24 (2) in subparagraph (E), by inserting before the
25 period the following: “, and the plan described in

1 this subparagraph shall be available to the trans-
2 feree of a covered parent loan that is transferred
3 under section 493E”.

4 (b) INCOME-BASED REPAYMENT.—Section 493C(a)
5 of the Higher Education Act of 1965 (20 U.S.C.
6 1098e(a)) is amended—

7 (1) in paragraph (1), by inserting before the pe-
8 riod at the end the following: “, except that such
9 term does not include a covered parent loan that is
10 transferred under section 493E”; and

11 (2) in paragraph (2), by inserting before the pe-
12 riod at the end the following: “, except that such
13 term does not include a covered parent loan that is
14 transferred under section 493E”.