

116TH CONGRESS
2D SESSION

H. R. 8400

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

SEPTEMBER 25, 2020

Mr. FOSTER introduced the following bill; which was referred to the
Committee on Education and Labor

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”.

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

8 Part G of title IV of the Higher Education Act of
9 1965 (20 U.S.C. 1088 et seq.) is amended by inserting
10 after section 493D the following:

1 **“SEC. 493E. TRANSFER OF FEDERAL STUDENT LOANS FROM**
2 **PARENT TO CHILD.**

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

6 “(b) TRANSFER REQUIREMENTS.—A covered parent
7 loan may be transferred to a child under subsection (a)
8 only if—

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

11 “(2) the loan was used to pay the educational
12 expenses of the child to whom the loan is to be
13 transferred;

14 “(3) the child to whom the loan is to be trans-
15 ferred—

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

17 “(B) demonstrates the ability to repay the
18 loan, as determined by the Secretary in accord-
19 ance with subsection (c);

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

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

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

3 “(A) at least a half-time course of study as
4 determined by an institution of higher edu-
5 cation; or

6 “(B) a course of study pursuant to a grad-
7 uate fellowship program approved by the Sec-
8 retary, or pursuant to a rehabilitation training
9 program for disabled individuals approved by
10 the Secretary.

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

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

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

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

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

23 “(5) Any other factors the Secretary determines
24 to be relevant to the ability of the child to repay the
25 loan.

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

6 “(1) the child to whom the loan is transferred
7 shall be treated as the original borrower of the loan;
8 and

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

11 “(A) the outstanding balance of principal
12 or interest on the loan; or

13 “(B) any other costs associated with the
14 loan, including fees.

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

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

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

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

1 “(3) a loan made under section 428C or
2 455(g), to the extent that such loan was used to
3 repay—

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

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

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