



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

OFFICE OF
CHIEF COUNSEL

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[CC:ITA]
CONEX-117530-05

:The Honorable Saxby Chambliss
United States Senate
Washington, DC 20510

Attention: Candice Ashton

Dear Senator Chambliss:

I am responding to your letter dated March 16, 2005, on behalf of your constituent,
He makes the payments on a higher education loan, but the loan is
in his mother's name. He believes that neither he nor his mother can deduct the
interest.

cannot deduct the interest because he is not required to pay the loan.
However, when he makes the payments on behalf of his mother, the loan company and
the IRS treat her as the payor. Thus, his mother can deduct the interest, assuming the
loan satisfies the other requirements as a qualified education loan [Sections 1.221-
1(b)(1) and (b)(4) of the Income Tax Regulations].

I hope this information is helpful. If you have any questions, please call me or
If you prefer, you can write us at
1111 Constitution Avenue, NW, CC:ITA:2, Room 4527, Washington, DC 20224.

Sincerely,

Thomas D. Moffitt
Branch Chief
Office of Associate Chief Counsel
(Income Tax and Accounting)