September 12, 2022

John F. Remondi  
President and CEO  
Navient Corporation  
123 Justison Street  
Wilmington, DE 19801

Dear Mr. Remondi:

We are writing to regarding reports that Navient Corporation (Navient, formerly known as Sallie Mae), is attempting to scam borrowers out of student debt relief by encouraging them to refinance their loans under Navient’s private lender, NaviRefi. If these reports are accurate, they reveal a particularly nefarious and harmful last-ditch tactic by Navient to profiteer off of the hardship of borrowers that finally are within grasping distance of obtaining relief from their abusive student loans. As borrowers await further guidance from the Department of Education (ED, the Department) about President Biden’s historic decision to cancel up to $20,000 in student debt for as many as 43 million borrowers, we are profoundly troubled by reports that Navient is providing grossly misleading guidance to borrowers that could make them ineligible for loan forgiveness under the President’s plan. To address our concern about these tactics, we request that you provide information on (1) how many borrowers received solicitations to refinance their loans; (2) the information provided to them via these solicitations; and (3) how you are ensuring your borrowers receive the accurate and timely information needed to secure relief.

According to a September 2 Business Insider report, Navient sent “multiple emails … to borrowers … breaking down the difference between federal and private student loans, and offering its refinancing tool to borrowers that would offer lower interest rates,” while noting only in “the fine print of the email… that borrowers could be at risk of losing federal benefits like Biden's student loan forgiveness if they refinance.” These tactics are unconscionable: just weeks after President Biden announced his plans to provide student loan relief for millions of borrowers, Navient is attempting to place them into refinanced loans that are ineligible for relief.

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Since ED awarded your contract to service student loans in 2014, Navient has grown to become one of the nation’s largest servicers of federal and private loans. On October 20, 2021, the Department announced the transfer of 5.6 million Department-owned student loan accounts to Maximus, replacing Navient as a contractor to the Department of Education. However, the contract allows Navient to continue servicing federal student loans made under the Federal Family Education Loan (FFEL) Program, which are owned by private lenders. Navient is the largest private-sector holder of education loans insured or federally guaranteed under the FFEL program. The Biden administration has advised that if FFEL loans are consolidated into federal direct loans, they may be eligible for forgiveness, and that ED is working with servicers “with the intention of making cancellation available for the borrowers who have [FFEL] loans.”

According to a Credit Suisse analysis, the President’s cancellation plan could hit Navient’s profits, particularly “if borrowers consolidate to take advantage of forgiveness” because if borrowers consolidate into federal direct loans to qualify for loan forgiveness, Navient “would lose the entire balance,” not just the $10,000 or $20,000 forgiven. The Credit Suisse analyst estimates that Navient could lose 4.3 million borrowers from a $10,000 debt reduction under the President’s plan. This analysis was met by a roughly 8 percent drop in Navient’s stock price, confirming Navient’s earlier warnings that student debt cancellation “could materially adversely affect its business, financial condition and results of operations.” In the second quarter of 2022, interest income from FFEL loans accounted for 37 percent of Navient’s revenue.

In this context, the marketing emails encouraging your borrowers to refinance their loans with NaviRefi, thus making them ineligible for loan forgiveness, look like another predatory attempt by Navient to boost its profits by unfairly steering borrowers toward options that leave

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11 Id.
them financially worse off. Navient has a long record of similar tactics.\textsuperscript{15} Between 2009 and 2019, there were at least ten incidents where Navient (or its corporate predecessor Sallie Mae) was accused of or fined for actions that ripped off borrowers, including cases brought by the Department of Justice, the Federal Deposit Insurance Corporation, the Consumer Financial Protection Bureau (CFPB), and 29 state Attorneys General.\textsuperscript{16} In January 2017, the CFPB released a legal brief confirming that Navient systematically and illegally failed borrowers at every step of repayment.\textsuperscript{17} In a 2017 lawsuit, the CFPB alleged that, “from January 2010 to March 2015, [Navient] added up to $4 billion in interest charges to the principal balances of borrowers who were enrolled in multiple, consecutive forbearances.”\textsuperscript{18} This report demonstrates that a significant portion of these charges could have been avoided had Navient acted in the best interests of these borrowers instead of their own profits. Navient’s most recent move to encourage borrowers to refinance their loans while making them ineligible for President Biden’s student loan cancellation amplifies the gravity of the CFPB’s 2017 claim in their lawsuit that, “There is no expectation that the servicer [Navient] will ‘act in the interest of the consumer.’”\textsuperscript{19}

In order to understand whether Navient is providing borrowers with guidance that places their eligibility to benefit from student loan cancellation at risk, we request you answer the following questions no later than September 26, 2022.

1. How many people did Navient send marketing emails to regarding refinancing student loans following President Biden’s August 24, 2022 student debt cancellation announcement?
   a. Does Navient explicitly warn borrowers that refinancing their student loan could result in them losing eligibility for student loan cancellation?
   b. Please provide the text of all correspondence, including solicitations sent via USPS or electronic mail.
   c. Please provide all scripts regarding student loan refinance used by Navient’s customer service or sales staff.

2. How many of Navient’s borrowers have refinanced their loans, or started to take action to refinance their loans, under your private loan provider, NaviRefi, since August 24, 2022?
   a. How many of these borrowers have balances of less than $10,000?
   b. How many of these borrowers have balances of less than $20,000?


\textsuperscript{18} \textit{Id.}

3. Please describe how Navient plans to notify and advise borrowers about guidance regarding the President’s cancellation plan and other announced student loan system reforms.
4. Please describe the outreach you are conducting to alert FFEL borrowers about the student debt cancellation decision.
5. Please describe how you will communicate to FFEL borrowers about their opportunity to consolidate their loans in order to receive the newly announced benefits.

Sincerely,

Elizabeth Warren
United States Senator

Ayanna Pressley
Member of Congress
September 12, 2022

Stephanie Martella
Senior Vice President
FedLoan Servicing (Pennsylvania Higher Education Assistance Agency)
1200 North Seventh Street
Harrisburg, Pennsylvania 17102

Richard D. George
President and Chief Executive Officer
Great Lakes Educational Loan Services, Inc.
2401 International Lane Madison, WI 53704

William Anthony Hollin
Chief Executive Officer
EdFinancial
298 North Seven Oaks Drive
Knoxville, TN 37922 Recipient

Raymond H. Bayer, Jr.
Chief Executive Officer
Higher Education Loan Authority of the State of Missouri
633 Spirit Drive
Chesterfield, MO 63005-1243

Bruce L. Caswell
Chief Executive Officer and President
Maximus Federal Services, Inc. (Aidvantage)
3120 Fairview Park Drive Suite 400
Falls Church, VA 22042

Jeffrey R. Noordhoek
Chief Executive Officer
Nelnet
121 South 13th Street, Suite 201
Lincoln, NE 68508

Patrick Rooney
Chairman
Oklahoma Student Loan Authority
525 Central Park Drive, Suite 600
Oklahoma City, OK 73105
Dear Addressee:

We are writing to inquire about the steps you are taking to ensure that borrowers are receiving accurate and timely information about President Biden’s decision to cancel up to $20,000 worth of student loan debt for millions of borrowers and reform the student loan system.

On August 24, 2022, the Biden-Harris Administration announced a historic decision to provide student debt relief to borrowers who need it the most.\(^1\) As part of its three-part plan, the administration will (1) cancel up $20,000 in debt for as many as 43 million borrowers, “including cancelling the full remaining balance for roughly 20 million borrowers”; (2) reform the student loan system for current and future borrowers by creating a new income-driven repayment (IDR) plan that cuts monthly payments in half for undergraduate loans and improves the Public Service Loan Forgiveness (PSLF) program; and (3) strengthen efforts to hold colleges accountable for price increases.\(^2\) In addition, the administration announced an extension to the pause on student loan payments to December 31, 2022, with payments resuming January 1, 2023.\(^3\)

Together, these reforms will significantly ease the burden of student debt on working families, including eliminating debt entirely for nearly 45 percent of borrowers\(^4\). Student loan


\(^2\) Id.

\(^3\) Id.

servicers will be critical partners in ensuring that borrowers receive this life-changing relief, both leading up to and during the implementation of these reforms. Reports indicate that servicers are receiving a surge in calls following the August 24 announcement, with one major servicer telling borrowers to “[p]lease hold off on calling us as we continue to experience heavy phone volume.”

The administration has taken steps to inform borrowers about the upcoming changes. The Department of Education (ED) announced that an application for debt cancellation will be available beginning in October 2022 and that borrowers can expect cancellation relief within four to six weeks of completing their application. Federal Student Aid (FSA) is advising borrowers to apply before November 15, 2022 in order to receive relief before the payment pause expires. ED aims to finalize its new IDR reforms before payments resume on January 1, 2023. This is in addition to ED’s April 2022 announcement that it would conduct a one-time adjustment of IDR qualifying payments for all federal loans programs during the fall of 2022. ED is also reminding eligible borrowers to take advantage of its PSLF waiver that allows borrowers to receive credit for past payments that would otherwise not qualify for PSLF by October 31, 2022.

As we await further details about ED’s implementation plans for the debt cancellation, servicers have a responsibility to inform borrowers about upcoming debt cancellation, the extension of the payment pause, and other announced reforms that may impact their loan balances and payments going forward. To that end, servicers must ensure that they are appropriately staffed to handle the increased volume of borrowers calling to get information about the administration’s recent announcements, that they are providing accurate information to borrowers, that they have strong systems in place to ensure balances and payments are adjusted accurately, and that borrowers are notified about these changes on a timely basis.

Failure to do so would cause grave harm to borrowers. Indeed, even prior to the August 24 announcement, Maximus-owned Aidvantage mistakenly notified some borrowers that their payments were due in September, “causing borrowers an extreme deal of confusion and anxiety.” This was despite ED clearly informing servicers that they should not contact

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7 Id.
borrowers about resuming payments before any official announcement about extending the payment pause.\textsuperscript{12} Similarly, another servicer, Nelnet, mistakenly notified borrowers that it would auto-debit payments on September 1, 2022.\textsuperscript{13} Borrowers are also at risk of what appear to be intentional efforts by servicers to mislead them. Following the August 24 announcement, Navient sent borrowers email offers encouraging them to refinance their federal loans under the company’s private NaviRefi program\textsuperscript{14} – an action that would potentially eliminate these borrowers’ eligibility to have their debt canceled. Consistent with its disturbing history of using deceptive practices to squeeze more profits out of borrowers,\textsuperscript{15} Navient did not appear to clearly inform borrowers of this risk. Instead, a Navient spokesperson pointed only to a fine-print note in their emails that stated if borrowers accepted their refinance offers, they would risk losing benefits.\textsuperscript{16} These incidents underscore the need for servicers to be vigilant about providing borrowers with accurate, timely, and clear information about the status of their loans and expected timelines. They also show that at least one servicer appears to be using dishonest practices to mislead borrowers and placing their ability to benefit from cancellation at risk. This is in addition to an uptick in attempts by scammers exploiting the debt cancellation announcement to “separate people from their money, their personal information or both.”\textsuperscript{17}

To ensure that your company is prepared to help borrowers and properly manage their loans as the administration works to implement student debt cancellation and reform the repayment system, we are seeking updated information on your plans to protect and inform borrowers through this period. I/we ask that you provide answers to the following questions no later than September 26, 2022:

1) Please describe how your company is advising borrowers who call to inquire about the Biden-Harris administration’s announcement on student debt cancellation and IDR reforms.

\textsuperscript{12} Id.
\textsuperscript{13} CBS News, “A student loan servicer told some borrowers payments will be auto-debited Sept. 1. It was a mistake,” Sarah Ewall-Wice, August 19, 2022, \url{https://www.cbsnews.com/news/student-loan-servicer-nelnet-message-payments-resuming/}.
\textsuperscript{14} Business Insider, “Student-loan companies are raising 'serious concerns' by offering refinancing options to borrowers that could make them ineligible for Biden's debt cancellation,” Ayelet Sheffey, September 2, 2022, \url{https://www.businessinsider.com/biden-student-loan-forgiveness-stripped-away-refinance-private-loan-debt-2022-8}.
\textsuperscript{16} Business Insider, “Student-loan companies are raising 'serious concerns' by offering refinancing options to borrowers that could make them ineligible for Biden's debt cancellation,” Ayelet Sheffey, September 2, 2022, \url{https://www.businessinsider.com/biden-student-loan-forgiveness-stripped-away-refinance-private-loan-debt-2022-8}.
a. Please provide copies of all call-scripts provided to customer service staff on this matter.

b. Please provide copies of all material on this matter provided by mail or electronic mail to borrowers.

2) Please describe how your company is advising borrowers with commercially held Federal Family Education Loans (FFEL) who call to inquire about cancellation and IDR reforms.

a. Please provide copies of all call-scripts provided to customer service staff on this matter.

3) Please provide copies of all material on this matter provided by mail or electronic mail to borrowers.

4) Please describe your company’s outreach to borrowers informing them about the announced student debt cancellation and upcoming IDR reforms.

a. How many borrowers have you contacted on these matters? What percent of borrowers have been contacted regarding cancellation and IDR reforms?

b. Please provide copies of all call-scripts and chat-scripts provided to customer service staff on this matter.

c. Please provide copies of all material on this matter provided by mail or electronic mail to borrowers.

5) Please describe your company’s plan for outreach to borrowers with commercially held FFEL loans regarding cancellation and IDR reforms.

a. How many borrowers have you contacted on these matters? What percent of borrowers with commercially held FFEL loans have been contacted regarding cancellation and IDR reforms?

b. Please provide copies of all call-scripts and chat-scripts provided to customer service staff on this matter.

c. Please provide copies of all material on this matter provided by mail or electronic mail to borrowers.

6) Following the cancellation announcement, has your company sent borrowers materials offering them to refinance their federal student loans into private loans?

a. If so, please provide copies of all material on this matter provided by mail or electronic mail to borrowers.

b. If so, how many borrowers have you contacted about refinancing loans?

c. How many borrowers have refinanced their loans?

7) Please describe your plans to staff your customer service channels (phones, chat features, etc.) in anticipation of increased borrower calls and outreach regarding the administration’s announcement.

a. Please describe your plans to meet increased outreach from non-English speaking borrowers.

8) Please provide information on how many staff are on call lines to address questions about student loan payments and student loan cancellation.

a. Please provide information on how many staff were on call lines prior to the cancellation announcement.

9) Please provide your current call wait times for callers seeking information on student loan payments and student loan cancellation.

a. Please provide information on call wait lines prior to the cancellation announcement.
10) Please describe what additional steps your company is taking to ensure that it is prepared to resume payment collections on January 1, 2023.
   a. Please describe your company’s plans to successfully manage the process of properly deducting cancelled amounts from borrower accounts, reamortize payments, and send statements to borrowers.
   b. Please provide copies of all call-scripts and chat-scripts provided to customer service staff regarding the resumption of payments.
   c. Please provide copies of all material on this matter provided by mail or electronic mail to borrowers regarding the resumption of payments.

11) What additional supports or information do you need from Federal Student Aid to ensure that borrowers receive accurate bills when payments resume?

Sincerely,

Elizabeth Warren
United States Senator

Ayanna Pressley
Member of Congress