Congress of the United States

Washington, DC 20515

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.¹ 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,² 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.³ 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."⁴ 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.

¹ 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, https://www.businessinsider.com/biden-student-loan-forgiveness-stripped-away-refinance-private-loan-debt-2022-8.

² White House, "Fact Sheet: President Biden Announces Student Loan Relief for Borrowers Who Need It Most," press release, August 24, 2022, <u>https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/24/fact-sheet-president-biden-announces-student-loan-relief-for-borrowers-who-need-it-most/?utm_source=link.</u>

³ NaviRefi, "Federal loan forgiveness," <u>https://navirefi.com/home</u>.

⁴ 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, <u>https://www.businessinsider.com/biden-student-loan-forgiveness-stripped-away-refinance-private-loan-debt-2022-8</u>.

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.⁵ 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.⁶ 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.⁷ Navient is the largest private-sector holder of education loans insured or federally guaranteed under the FFEL program.⁸ 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."⁹

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.¹⁰ The Credit Suisse analyst estimates that Navient could lose 4.3 million borrowers from a \$10,000 debt reduction under the President's plan.¹¹ This analysis was met by a roughly 8 percent drop in Navient's stock price,¹² confirming Navient's earlier warnings that student debt cancellation "could materially adversely affect its business, financial condition and results of operations."¹³ In the second quarter of 2022, interest income from FFEL loans accounted for 37 percent of Navient's revenue.¹⁴

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

⁸ U.S. Securities & Exchange Commission, "Form 10-k: Navient Corporation," <u>https://www.sec.gov/Archives/edgar/data/1593538/000156459018003273/navi-10k_20171231.htm</u>.

https://www.sec.gov/Archives/edgar/data/1593538/000156459018003273/navi-10k_20171231.htm.

⁵ New York Times, "The \$1.7 Billion Student Loan Deal That Was Too Good to Be True," Stacy Cowley February 17, 2022, <u>https://www.nytimes.com/2022/02/17/business/navient-student-loan-settlement.html? smid=url-share.</u>

⁶ Navient, "Navient receives approval to transfer Department of Education servicing contract to Maximus," press release, October 20, 2021 <u>https://news.navient.com/news-releases/news-release-details/navient-receives-approval-transfer-department-education.</u>

⁷ Navient Multi-State Settlement, "Navient AG Multi-State Settlement," <u>https://www.navientagsettlement.com/.</u>

⁹ New York Times, "What You Need to Know About Biden's Student Loan Forgiveness Plan," Ron Lieber and Tara Siegel Bernard, updated August 29, 2022 <u>https://www.nytimes.com/2022/08/24/business/biden-student-loan-forgiveness.html.</u>

¹⁰ Investor Place, "Navient (NAVI) Stock Falls on Student Loan Forgiveness Threat," Eddie Pan, August 29, 2022, <u>https://investorplace.com/2022/08/navient-navi-stock-falls-on-student-loan-forgiveness-threat/?</u> <u>utm_source=barchart&utm_medium=allother.</u>

¹¹ Id.

¹² Seeking Alpha, "Student loan forgiveness to impact Navient more than Nelnet, Credit Suisse says," Liz Kiesche, August 29, 2022, <u>https://seekingalpha.com/news/3877493-student-loan-forgiveness-to-impact-navient-more-than-nelnet-credit-suisse-says</u>.

¹³ U.S. Securities & Exchange Commission, "Form 10-k: Navient Corporation,"

¹⁴ Investor Place, "Navient (NAVI) Stock Falls on Student Loan Forgiveness Threat," Eddie Pan, August 29, 2022, <u>https://investorplace.com/2022/08/navient-navi-stock-falls-on-student-loan-forgiveness-threat/?</u> <u>utm_source=barchart&utm_medium=allother.</u>

them financially worse off. Navient has a long record of similar tactics.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.¹⁶ In January 2017, the CFPB released a legal brief confirming that Navient systematically and illegally failed borrowers at every step of repayment.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."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."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?

https://storage.courtlistener.com/recap/gov.uscourts.pamd.110329.29.0.pdf

¹⁵ Office of Senator Elizabeth Warren, "Warren Questions CEO of Navient on Its Long Record of Profiting Off Broken Student Loan System," press release, April 13, 2021,

https://www.consumerfinance.gov/about-us/newsroom/cfpb-sues-nations-largest-student-loan-company-navient-failing-borrowers-every-stage-repayment/.

¹⁶ Letter from Senator Elizabeth Warren to Navient Corporation CEO John F. Remondi, March 29, 2021, <u>https://www.warren.senate.gov/imo/media/doc/2021.03.29%20Letter%20to%20Remondi%20re%20invite%20to</u> <u>%20Banking%20Hearing.pdf</u>.

¹⁷ Consumer Financial Protection Bureau, "CFPB Sues Nation's Largest Student Loan Company Navient for Failing Borrowers at Every Stage of Repayment," press release, January 18, 2017, <u>https://www.consumerfinance.gov/about-us/ newsroom/cfpb-sues-nations-largest-student-loan-company-navient-failing-borrowers-every-stage-repayment/.</u>
¹⁸ Id.

¹⁹ The United States District Court for the Middle District of Pennsylvania, "Consumer Financial Protection Bureau v. Navient Corporation, et al.," March 24, 2017,

- 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,

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Elizabeth Warren United States Senator

Am S. Tusof

Ayanna Pressley Member of Congress

Congress of the United States

Washington, DC 20515

September 12, 2022

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

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John F. Remondi President and Chief Executive Officer Navient Corporation 123 Justison Street Wilmington, DE 19801

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 borrowers⁴. Student loan

¹ The White House, "FACT SHEET: President Biden Announces Student Loan Relief for Borrowers Who Need It Most," press release, August 24, 2022, <u>https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/24/</u> fact-sheet-president-biden-announces-student-loan-relief-for-borrowers-who-need-it-most/. ² Id.

 $^{^{3}}$ Id.

⁴CNBC, "Biden cancels \$10,000 in federal student loan debt for most borrowers", Annie Nova, August 24, 2022, <u>https://www.cnbc.com/2022/08/24/biden-expected-to-cancel-10000-in-federal-student-loan-debt-for-most-borrowers.html</u>.

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."⁵

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.⁶ Federal Student Aid (FSA) is advising borrowers to apply before November 15, 2022 in order to receive relief before the payment pause expires.⁷ ED aims to finalize its new IDR reforms before payments resume on January 1, 2023.⁸ 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 2022.⁹ 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, 2022.¹⁰

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."¹¹ This was despite ED clearly informing servicers that they should not contact

⁵ Business Insider, "A major student-loan company tells borrowers to 'hold off on calling' because it doesn't have any more details on Biden's debt cancellation," Ayelet Sheffey, August 25, 2022,

https://www.businessinsider.com/student-loan-company-nelnet-hold-off-on-calling-biden-cancellation-2022-8.

⁶ Federal Student Aid, "The Biden-Harris Administration's Student Debt Relief Plan Explained,"

https://studentaid.gov/debt-relief-announcement/.

⁷ Id.

⁸ Federal Student Aid, "The Biden-Harris Administration's Student Debt Relief Plan Explained," <u>https://studentaid.gov/debt-relief-announcement/</u>; The American Prospect, "Implementing Student Debt Relief Is Critical," David Dayen, August 30, 2022,

[&]quot;https://prospect.org/education/implementing-student-debt-relief-is-critical/.

⁹ Federal Student Aid, "Income-Driven Repayment and Public Service Loan Forgiveness Program Account Adjustment", <u>https://studentaid.gov/announcements-events/idr-account-adjustment</u>.

¹⁰ Federal Student Aid, "PSLF Waiver Offers Way to Get Closer to Loan Forgiveness," https://studentaid.gov/announcements-events/pslf-limited-waiver.

¹¹ Business Insider, "A major student-loan company sowed 'confusion and anxiety' by mistakenly telling some borrowers they have debt payments due in September," Ayelet Sheffey, August 23, 2022,

https://www.businessinsider.com/student-loan-company-maximus-mistakenly-told-borrowers-payments-are-due-2022-8.

borrowers about resuming payments before any official announcement about extending the payment pause.¹² Similarly, another servicer, Nelnet, mistakenly notified borrowers that it would auto-debit payments on September 1, 2022.¹³ 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 program¹⁴ – 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,¹⁵ Navient did not appear to clearly inform borrows 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.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."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:

 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.

 $^{^{12}}$ *Id*.

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, <u>https://www.cbsnews.com/news/student-loan-servicer-nelnet-message-payments-resuming/.</u>

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, <u>https://www.businessinsider.com/biden-student-loan-forgiveness-stripped-away-refinance-private-loan-debt-2022-8</u>. ¹⁵ Consumer Financial Protection Bureau, "CFPB Sues Nation's Largest Student Loan Company Navient for Failing Borrowers at Every Stage of Repayment," press release, January 18, 2017, <u>https://www.consumerfinance.gov/aboutus/newsroom/cfpb-sues-nations-largest-student-loan-company-navient-failing-borrowers-every-stage-repayment/;</u> Office of Senator Elizabeth Warren, "Warren Questions CEO of Navient on Its Long Record of Profiting Off Broken Student Loan System," press release, April 13, 2021, <u>https://www.warren.senate.gov/newsroom/pressreleases/warren-questions-ceo-of-navient-on-its-long-record-of-profiting-off-broken-student-loan-system</u>.

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, <u>https://www.businessinsider.com/biden-student-loan-forgiveness-stripped-away-refinance-private-loan-debt-2022-8</u>.
¹⁷ The New York Times, "Beware of Scammers Trying to Capitalize on Student Loan Forgiveness," Ann Carrns,

September 2, 2022, <u>https://www.nytimes.com/2022/09/02/your-money/spam-calls-student-loans.html?</u> <u>smtyp=cur&smid=tw-nytimesbusiness;</u> KOAA News5 Southern Colorado, "Fraudsters target people wanting student loan forgiveness," Patrick Nelson, September 1, 2022,

<u>https://www.koaa.com/money/consumer/fraudsters-target-people-wanting-student-loan-forgiveness;</u> Fox6 Milwaukee, "Student loan debt scams; Wisconsin officials warn borrowers," Spencer Tracy and Fox6 News Digital Team, August 29, 2022, <u>https://www.fox6now.com/news/student-loan-debt-scams-wisconsin.</u>

- 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?
- 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,

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Elizabeth Warren United States Senator

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Ayanna Pressley Member of Congress