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October 10, 2023

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Secretary Cardona:

Over the years, the student loan system has become increasingly complicated for students and families to navigate. Deceitful companies are taking advantage of the complexity of this network to exploit individuals.

While student loan borrowers are able to interact at no cost with the loan system, many borrowers don't know this. These scammers, seizing on this ignorance, often claim to work on behalf of the Department or the "Student Loan Debt Department" and charge a high fee to "help" borrowers obtain loan forgiveness or pay down their loans. These companies are aggressive and have been known to call individuals regardless of whether they have a student loan. They use tactics designed to pressure borrowers into feeling a sense of urgency by suggesting that the borrower's file may remain open in the system for only one more day or that the application for forgiveness must be filed immediately. You and I agree that these companies must be stopped, and I appreciated your willingness to speak with me a few weeks ago about this.

Upon a quick review of the Department's web pages, I was pleased to see articles on "Avoiding Student Loan Scams,"¹ "How to Avoid Student Loan Forgiveness Scams,"² and "3 Ways to Spot Student Loan Scams."³ I also note that Congress enacted the *Stop Student Debt Relief Scams Act of 2019* in December 2020 to help protect against fraud and improper use of access devices.⁴ In

¹ <https://studentaid.gov/resources/scams>.

² <https://studentaid.gov/articles/avoid-student-loan-forgiveness-scams/>.

³ <https://studentaid.gov/articles/student-loan-scams/>.

⁴ See 18 USC § 1029(e)(1) ("the term 'access device' means any card, plate, code, account number, electronic serial number, mobile identification number, personal identification number, or other telecommunications service, equipment, or instrument identifier, or other means of account access that can be used, alone or in conjunction with

this regard, I look forward to working with you on how we might better protect against student loan scams and I am eager to learn more about the following questions at your earliest convenience:

- (1) Apart from the earlier-referenced articles posted to the Department's web pages, what actions has the Department taken from January 20, 2021, to the present to protect against debt relief scams?
- (2) I had difficulty locating the guidance required by § 2(b) of the *Stop Student Debt Relief Scams Act of 2019*⁵ on the Department's web pages. Has the guidance been published? If so, what is the publication date and URL address?
- (3) What enforcement actions has the Department undertaken under 20 USC § 1097(e)?⁶

I welcome any additional information you may have about what the Department is doing to stop these companies from harming borrowers. If you have any questions about this request, please contact Kent Talbert (kent.talbert@mail.house.gov) on my staff. I look forward to hearing from you.

Sincerely,



Virginia Foxx
Chairwoman
U.S. House Committee on Education
and the Workforce

another access device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds (other than a transfer originated solely by paper instrument”).

⁵ “The Secretary shall issue guidance regarding the use of access devices in a manner that complies with this Act, and the amendments made by this Act.”

⁶ “Any person who knowingly uses an access device, as defined in section 1029(e)(1) of title 18, issued to another person or obtained by fraud or false statement to access Department information technology systems for purposes of obtaining commercial advantage or private financial gain, or in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or of any State, shall be fined not more than \$20,000, imprisoned for not more than 5 years, or both.”