



# Office of the Special Inspector General for Pandemic Recovery

SIGPR continues to keep Congress, the Department of the Treasury and other stakeholders aware of an impending crisis in the programs created in March 2020 via the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

For both the Main Street Lending Program (MSLP) and Treasury’s Air Carrier Loan Program (ALP), **SIGPR is noting an alarming rate of defaults by borrowers who are failing to pay even the interest payments on the loans.**

As a result, SIGPR is increasingly concerned that the default rate will grow exponentially in Years 3 through 5 of the loan programs as principal comes due. Principal payments will be due starting in July 2023 through January 2024, depending on the loan origination date.

On July 10, 2023, the Federal Reserve reported its MSLP loan loss figure of \$164 million as of June 30, 2023. The loan loss figure has steadily increased over the past twenty-five months since the Federal Reserve first reported a loan loss figure of \$4 million in June of 2021. The Federal Reserve also reported that its MSLP loan loss allowance was updated to \$1 billion as of March 31, 2023. This impending crisis of loan defaults comes as SIGPR prepares to sunset.

**The MSLP 70% balloon payments are due in 2025, which will likely trigger significant borrower loan defaults after SIGPR sunsets.**

**MAIN STREET LENDING PROGRAM (MSLP) -** MS Facilities, LLC is a Special Purpose Vehicle that was established by the Federal Reserve (*under Section 13 (3) of the Federal Reserve Act*) with the Treasury Secretary’s approval.



\*Treasury has guaranteed \$16.5 billion of this amount

## Loan Terms:

MSLP loans cannot be reduced through loan forgiveness and borrowers are required to provide certain financial information (quarterly/annually).

- Interest payments **deferred Year 1**
- **Principal payments** are deferred for two years:
  - **15%** due end of **Year 3**
  - **15%** due end of **Year 4**
  - **Balloon payment of 70%** due at maturity - **end of Year 5 (as SIGPR Sunsets)**

Despite these extremely favorable loan terms, SIGPR is already noting defaults by borrowers who are failing to make interest payments on the loans.

**DIRECT LOAN PROGRAM -** CARES Act, Section 4003, allocated up to **\$46 billion** for Treasury to directly provide loans and loan guarantees through December 31, 2020.

- 274 applications submitted
- Treasury executed 35 loans – \$2.7 billion in assistance.



\$25 billion authorized for passenger air carriers and certain related businesses.



\$4 billion authorized for cargo air carriers.



\$17 billion authorized for businesses critical to maintaining national security.

## **AIR CARRIER LOAN PROGRAM (ALP) -**

Treasury’s ALP made **35 loans** valued at **\$2.7 billion**, 21 of which are still outstanding valued at \$960 million. These outstanding loans have **maturity dates** ranging from **September 2024 through November 2025.**

- All ALP loans had deferred interest for one year.
- Principal and payment-in-kind interest deferred until maturity, prepayment at any time, and a balloon payment at maturity.
- As of May 1, 2023, Treasury has reported that **six Direct Loans** valued at **\$33.7 million are in default.**

## SIGPR's Interim Report to Treasury

On May 12, 2023, SIGPR issued an updated interim report to Treasury based on MSLP loan information obtained from a **review of 39 lender banks** holding **1,008 MSLP loans** valued at approximately **\$8.5 billion**. The numbers below include responses from 6 additional banks received since the May 12, 2023, report:

### Summary of Responses Received Compared to All MSLP Loans

|                              | Subpoena Responses | MSLP Universe    | % of MSLP Universe |
|------------------------------|--------------------|------------------|--------------------|
| Number of Banks              | 45                 | 319              | 14.1%              |
| Number of Loans Issued       | 1,076              | 1,830            | 58.8%              |
| Dollar Value of Loans Issued | \$10,031,190,171   | \$17,459,024,461 | 57.8%              |

### Summary of 45 Subpoena Responses

| Subpoena Criteria                | Count      | \$ Loan Value (rounded)       |
|----------------------------------|------------|-------------------------------|
| Defaults                         | 65         | \$775.1 million               |
| Delinquent Interest Payments     | 24         | \$119.7 million               |
| Delinquent Financial Reporting   | 213        | \$1.1 billion                 |
| Impaired Loans                   | 32         | \$221.8 million               |
| Material Misrepresentation       | 5          | \$66.9 million                |
| <b>Combined Reported Issues*</b> | <b>339</b> | <b>\$2.3 billion (actual)</b> |
| Paid Off                         | 274        | \$2.9 billion                 |

\*Some loans had issues reported in multiple categories.

In addition, on April 11, 2023, SIGPR notified Treasury that Signature Bank of New York, which made five MSLP loans valued at \$113.4 million, failed. SIGPR will continue to monitor and notify Treasury of MSLP participating bank closures and loans that become impaired.

SIGPR resources dedicated to oversight of CARES Act money:

- SIGPR has seasoned federal prosecutors, investigators, and auditors.
- SIGPR provides exceptional service to the taxpayers despite a lean budget. SIGPR received an appropriation of \$25 million in March 2020 for its initial five-year term but received zero funding in FY 2021. In FY 2022, SIGPR received \$8 million to supplement this no-year start-up funding, and an additional \$12 million for FY 2023.

- SIGPR is investigating and auditing numerous loans that mature as SIGPR sunsets in March 2025.

SIGPR has **developed 84%** of its **investigative cases proactively** rather than waiting for tips or defaults and is investigating cases nationwide with **potential fraud** totaling more than **\$356 million**.

- SIGPR has opened a total of 60 cases, of which 38 cases remain pending, with at least 130 potential defendants.
- **89%** of SIGPR's investigations **involve double and triple dippers involving other CARES Act programs**.
- SIGPR's investigations have thus far resulted in 18 federal indictments, 21 arrests, and four guilty pleas which have generated \$2.6 million in court ordered restitution.
- **\$20,816,000** in MSLP loans have been repaid following notification of an investigation.
- Recently, multiple arrests were made in connection with two separate complex fraud schemes representing over **\$60 million in alleged fraud loss**.
- One defendant was recently sentenced to **87 months in prison** and ordered to pay over **\$2.6 million in court ordered restitution**.
- Recommendations for Suspension and Debarment have been made to Treasury.

As part of its oversight, SIGPR audited Treasury's process in approving a \$700 million direct loan to a business identified as being critical to national security.

In another project, SIGPR is auditing how Treasury monitors borrowers' compliance with their Direct Loan requirements. SIGPR is auditing an airline's compliance with its direct loan agreement and is currently auditing a national security business to determine its compliance with its direct loan terms.

SIGPR also reviewed 16 borrowers' Validation Memoranda, which are documents that Treasury created to confirm that loan applicants submitted all required documentation and met other criteria. A roll-up report of all 16 attestation reviews showed that one Validation Memorandum contained material deficiencies and this loan application should not have been moved forward to the underwriting process and 10 other Validation Memoranda contained minor discrepancies.