

Congress of the United States
Washington, DC 20515

April 8, 2020

The Honorable Steve Mnuchin
Secretary
Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, DC 20510

The Honorable Jovita Carranza
Administrator
Small Business Administration
409 3rd Street NW
Washington, DC 20416

Dear Secretary Mnuchin and Administrator Carranza,

We appreciate your efforts to quickly implement the provisions of the CARES Act to address impacts to small business as a result of the COVID-19 pandemic, specifically through the Paycheck Protection Program (PPP).

As you know, Congress created PPP to help small businesses preserve jobs for their employees by providing loans for payroll and other purposes while shut down as a result of the pandemic. In doing so, Congress specifically included “any... tribal business concerns” as defined in the HUBZone program (Sec. 31 of the Small Business Act) that are under 500 employees as being eligible for PPP loans. As such, Congress made clear its intent to include any tribal business that is under 500 employees without regard to the industry of the tribal business.

Tribal businesses, including tribal gaming enterprises and tribal financial enterprises, are significant employers for Tribal Reservations and their surrounding communities, especially in rural areas. While tribal businesses are closed to protect their employees and the public from the spread of the pandemic, it is essential that all tribal businesses under 500 employees have access to PPP loans to be able to continue to pay their employees and to help preserve their tribal economy and the surrounding communities’ economy.

However, the Small Business Administration’s (SBA) interim final rule for implementing the PPP specifically includes a reference to 13 C.F.R. Part 120.110 when determining eligibility for a PPP loan, which could be interpreted as making ineligible certain tribal businesses, such as tribal gaming businesses and tribal financial enterprises. This interpretation will result in severe negative impacts to tribal economies and unnecessarily exacerbate unemployment in many already economically distressed areas.

Congress specifically intended the PPP to be a critical component to helping preserve tribal businesses and economies in this time of crisis. While we appreciate the difficulty of actualizing the Paycheck Protection Program on a short timeframe, it is nonetheless critical that rulemaking adheres to clear congressional intent. We request that the Department of Treasury and the Small Business Administration issue a supplementary interim final rule for the Paycheck Protection Program clarifying that any tribal business under 500 employees is eligible for PPP loans, in accordance with congressional intent.

Thank you for your consideration of this important matter.

Sincerely,



SHARICE L. DAVIDS
Member of Congress



RUBEN GALLEGO
Member of Congress



SUZAN K. DELBENE
Member of Congress



MARKWAYNE MULLIN
Member of Congress

/s/

TONY CÁRDENAS
Member of Congress



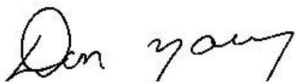
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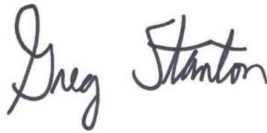
JON TESTER
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BRADLEY BYRNE
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TERRI A. SEWELL
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GREG STANTON
Member of Congress



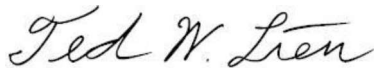
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