

United States Senate

WASHINGTON, DC 20510

April 8, 2020

The Honorable Jovita Carranza
Administrator
U.S. Small Business Administration
409 3rd Street, SW
Washington, DC 20416

The Honorable Steven Mnuchin
Secretary of the Treasury
Department of the Treasury
1500 Pennsylvania Ave., NW
Washington, DC 20220

Dear Administrator Carranza and Secretary Mnuchin:

We are writing to request that Department of the Treasury and the Small Business Administration allow any tribal business entity under 500 employees to be eligible for Paycheck Protection Program (PPP), in accordance with the explicit statutory language included in the Coronavirus Aid, Relief, and Economic Security (CARES) Act. We also seek clarification of tribal participation in the Economic Injury Disaster Loan Emergency Advance program.

Tribal businesses, including tribal gaming, 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 vital that they 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.

In Section 1102(a) of the CARES Act Congress approved extended coverage of the program to "any business" with less than 500 employees or the Administrator's size standard for employees in an industry. It also expressly included "any ... tribal business concerns described in section 31(b)(2)(C)." SBA independently, applied a regulation that excludes businesses that generate more than one third of their revenue from legal gambling (13 CFR Part 120.110) from utilizing SBA resources under the PPP. This inappropriate application will result in significant impacts to tribal small businesses and unnecessarily exacerbate unemployment and extreme financial distress in many already economically distressed areas. In fact, an Indian tribe in our state that otherwise would have been eligible for the PPP has already been denied access to the program.


We respectfully request that the Department of the Treasury and the Small Business Administration issues immediate supplementary guidance for the Paycheck Protection Program (PPP) loan to clarify that *all* tribal business concerns under 500 employees, are eligible for these loans.

Similar to the Paycheck Protection Program the SBA Economic Injury Disaster Loan Emergency Advance program extends eligibility to tribal business operations but prohibits participation by any entity receiving 1/3 or more of its revenue from gaming. To meaningfully assist Indian

country's fight against COVID-19, both of these programs must carve out exceptions for gaming facilities authorized under the Indian Gaming Regulatory Act.

Thank you for your time and we appreciate your efforts in supporting tribal issues in the past, as well as your continued work to address the pandemic that is sweeping our country.

Sincerely,



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator