

April 8, 2020

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

The American Gaming Association (AGA) appreciates your leadership during this extraordinarily difficult time for our nation. The gaming industry is among the sectors most severely impacted by the COVID-19 outbreak, in large part, due to mandated closure of facilities, which has jeopardized the livelihoods of the 1.8 million Americans whose jobs we support across 43 states.

As you and your Administration continue to respond to the health, safety, and economic needs of the American people, I respectfully request your immediate intervention to address a significant problem with the Paycheck Protection Program's (PPP) Interim Final Rules released by the Small Business Administration (SBA) on April 2, 2020. Specifically, these interim rules rely on antiquated, discriminatory policy that renders small gaming entities ineligible to receive critical loan assistance designed to help small businesses pay their employees.¹

During this unprecedented time of business interruption and mandated closures, you clearly recognized through enactment of the Coronavirus Aid, Review, and Economic Security Act (CARES Act), the need to assist a variety of small businesses that meet size-eligibility requirements. In addition to phone calls from dozens of bipartisan members of Congress to SBA over the past several days, the enclosed letters underscore the clear intent behind the legislation to help more, not fewer businesses during their time of need.² The regional diversity of these Members also underscores the impact SBA's unjustified decision will have on gaming workers and businesses in numerous states across the country.

The gaming industry is an important economic engine, job creator, and taxpayer in 43 states. We share your overriding interest in employees retaining their jobs so they can get back to work quickly once this situation has subsided. Individuals who are laid off will otherwise be pushed into unemployment assistance and Medicaid. Not only are workers better off when they remain connected to their employer, this approach has long-term benefits to our economy. The dislocation costs associated with widespread unemployment are severe. Maintaining employees on payroll avoids rehiring complications, saves on future training costs, and increases productivity, which is essential to a faster economic recovery.

In addition to gaming's considerable needs to pay and provide for our own direct workforce, the gaming industry also supports 350,000 small business jobs. Making SBA resources available to size-eligible

¹ Businesses identified in 13 CFR § 120.110 are ineligible for the Paycheck Protection Program loans. Excluded businesses include those "deriving more than one-third of gross annual revenue from legal gambling activities."


² Section 1102 of the CARES Act adds the new PPP to section 7a of the Small Business Act by providing that "in addition to a small business concerns, any business concern, nonprofit organization, or veterans organization **shall be eligible** to receive a [PPP] loan" if certain size requirements are met (emphasis added). Small casinos, taverns, or restaurants with gaming qualify as "any business concern" and are therefore eligible for PPP loans.

gaming businesses is the right thing to do. As it stands, the policy discriminates against these mainstream businesses and, more importantly, the hundreds of thousands of employees who rely on gaming for their livelihood.

Accordingly, I trust you will agree it is critical that gaming companies and their employees can benefit from SBA loan programs, as the CARES Act intended.

Thank you for your attention to this request and your continued leadership on behalf of our great nation.

Sincerely,

A handwritten signature in black ink that reads "Bill Miller". The signature is written in a cursive, slightly slanted style.

William C. Miller, Jr.

Enclosures: Rep. Amodei (R-NV)
Rep. Reschenthaler (R-PA)
Rep. Gianforte (R-MT)
Rep. Titus (D-NV)
Rep. Horsford (D-NV)
Rep. Lee (D-NV)
Sen. Rounds (R-SD)
Sen. Tester (D-MT)
Sens. Rosen (D-NV), Cortez Masto (D-NV), and Bennet (D-CO)
Sens. McSally (R-AZ), Daines (R-MT), and Cramer (R-ND) Sen. Tester (D-MT)
Congressional Native American Caucus

Cc: Vice President Mike Pence
Treasury Secretary Steven Mnuchin
SBA Administrator Jovita Carranza
White House Chief of Staff Mark Meadows

MARK E. AMODEI
2ND DISTRICT, NEVADA

HOUSE COMMITTEE
ON APPROPRIATIONS
SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES
FINANCIAL SERVICES AND
GENERAL GOVERNMENT

Congress of the United States
House of Representatives
Washington, DC 20515-2802

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April 7, 2020

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

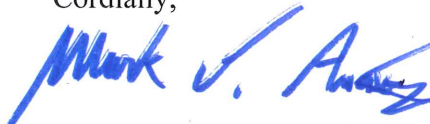
I am sorry to inform you of a circumstance within your Administration that is in need of your direct and immediate intervention.

The CARES Act is the bridge to assist small businesses in surviving our present economic emergency. The CARES Act defines small businesses as employers with 500 employees or less. The legislation created the Paycheck Protection Program (PPP) for small businesses per the "definition" in the Act. The Secretary of the Treasury, has spoken at all times relevant of PPP as being for "all small employers," and further that the Small Business Administration's (SBA) role was to act as the guarantor for PPP loans. Their administrative structure was to be utilized but not "control" eligibility for the PPP.

Your direct intervention is needed to direct the SBA to cease and desist the use of their decades old "regulation" which bars CARES Act small gaming businesses from PPP eligibility. This federal agency has casually imposed an administrative definition to exclude hundreds of thousands of employees, in 43 states, from the relief of the PPP. No such intent is contained in the emergency rescue legislation, and no authority is given to the SBA to narrow the broad statutory definition contained in the CARES Act. Yet the bureaucracy at SBA, unchecked so far, by Treasury, is calmly imposing this exclusion from access to relief upon small gaming business employers who are fully licensed, regulated, and taxed in 43 states.

I don't need to remind you that all these small businesses were ordered to cease business operations, and have complied. Yet, the SBA looks blithely at a business as usual internal regulation and issues guidance that those businesses are ineligible for rescue. The position is made even more ridiculous by the fact that large gaming employers are fully eligible for CARES Act financial rescue assistance designed for large employers. Each hour the SBA is allowed to impose their discriminatory, subjective, definition, results in a smaller and smaller balance remaining in the PPP for these deserving small employers to apply for. I have provided the language to SBA and Treasury to fix this bureaucratic senselessness. Mr. Meadows and Mr. Kudlow have my cell phone number should you require additional direct input. Please act immediately.

Cordially,



Mark E. Amodei

cc: White House Chief of Staff, Mark Meadows

GUY RESCENTIALER
14TH DISTRICT, PENNSYLVANIA
JUDICIARY COMMITTEE
FOREIGN AFFAIRS COMMITTEE



Congress of the United States
House of Representatives
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700 PELLIS ROAD
SUITE 1
GREENSBURG, PA 15601
(724) 219-4200
14 SOUTH MAIN STREET
WASHINGTON, PA 15301
(724) 206-4800

April 6, 2020

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

Administrator Carranza:

I write to request that the Small Business Administration (SBA) allow small gaming operators to apply for Paycheck Protection Program (PPP) loans under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136).

The interim PPP guidelines released by the SBA last week rely on prior agency regulations that prevent small gaming entities from receiving PPP assistance. Given the unprecedented nature of the COVID-19 pandemic and the fact that Congress did not include language to preclude the gaming industry from PPP eligibility, I believe it is critical you revise these guidelines to ensure small gaming entities can apply for PPP loans.

Like most job creators, small gaming operators have been devastated by the COVID-19 outbreak, which in turn is hurting their local communities. The gaming industry is a national economic engine and job creator, delivering \$52 billion annually in small business revenue and supporting 350,000 good-paying jobs for American workers. Gaming entities support local businesses and contribute to local nonprofits and philanthropic initiatives. Without federal assistance, they will be unable to assist their communities and get Americans back to work when the pandemic subsides.

Small gaming operators are vital to the economic growth and wellbeing of my district and our nation as a whole. Therefore, I again request that you revise the SBA guidance to ensure small gaming operators are eligible for PPP loans.

Thank you for your consideration of my request.

Very respectfully,

A handwritten signature in blue ink, appearing to read "Guy Rescenthaler".

Guy Rescenthaler
Member of Congress



Congress of the United States
House of Representatives

March 31, 2020

President Donald J. Trump
1600 Pennsylvania Avenue, NW
Washington, D.C. 20006

Dear President Trump,

I appreciate your leadership and diligent action to guide America's response to the COVID-19 health crisis. I need your help to ensure Montana's bars and taverns are not mistakenly excluded from much-needed federal assistance.

Congress has passed and you have signed into law measures to provide emergency economic relief for Americans who are taking responsible precautions to prevent the spread of the virus. The *Coronavirus Aid, Relief, and Economic Security Act* was one of the broadest measures ever passed and signed into law. It includes expansions in unemployment, tax deferrals and credits for businesses, and the Paycheck Protection Program (PPP) to help businesses make payroll even if they are shut down. This program is meant to help the broadest number of businesses possible.

Montana taverns routinely use video gaming to supplement their operating revenue. Almost all of them have revenue from food, alcohol, and gaming. The Small Business Administration (SBA) has issued regulations for past loan programs that prevented businesses receiving one-third or more of their revenue from gaming from participating in their loan programs.

I have heard from many businesses in Montana about this problem. If this regulation were mistakenly applied to the PPP, against Congressional intent, many family-owned small businesses in Montana, which have been forced to close, will miss out on much-needed federal assistance at a critical time.

The PPP, in particular, is designed to help businesses pay workers. Montana bars and taverns are shut down by government order, and we need to help them if they are going to reopen after the public health threat of COVID-19 has passed.

I ask that you ensure the SBA does not apply this condition to Montana's small businesses which desperately need the support during this challenging time.

Thank you for your attention to this matter and for your continued leadership,

A handwritten signature in blue ink, appearing to read 'G. Gianforte', written in a cursive style.

Congressman Greg Gianforte
Montana

DINA TITUS
MEMBER OF CONGRESS
1ST DISTRICT NEVADA



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

COMMITTEE ON
FOREIGN AFFAIRS

COMMITTEE ON
HOMELAND SECURITY

COMMITTEE ON
TRANSPORTATION &
INFRASTRUCTURE

CHAIRWOMAN, SUBCOMMITTEE ON
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS,
AND EMERGENCY MANAGEMENT

March 27, 2020

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

Dear Administrator Carranza,

As the Small Business Administration (SBA) formulates rules and guidance for distribution of funds appropriated under H.R. 748, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, I ask that you ensure small operators from every industry are allowed to apply for Paycheck Protection Loans, Economic Injury Disaster Loans, Emergency Economic Injury Grants, and Small Business Debt Relief Assistance.

I represent a district with major ties to travel and tourism, where small businesses like gaming establishments and resorts are the backbone of our local economy. Unfortunately, the COVID-19 pandemic has decimated their operations and forced them to close their doors.

Many of these small businesses already operate leanly, with tight profit margins and just enough people on staff to keep things running. As you know, the spread of coronavirus has exacerbated staffing shortages, caused supply chain back ups, heightened public fear, and prevented consumers from making trips and enjoying entertainment.

Like any other small business, small gaming and betting establishments are in desperate need of assistance in order to rebound from this crisis. The Federal Government must step up to help ALL small businesses.

Sincerely,

A handwritten signature in cursive script that reads "Dina Titus".

Dina Titus
Member of Congress

Congress of the United States
Washington, DC 20515

April 3, 2020

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

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

Dear Administrator Carranza and Secretary Mnuchin:

I am writing to you today urging you to change interim regulatory guidelines issued by the Small Business Administration (SBA) which preclude small gaming entities and their employees from receiving support under the newly-established Paycheck Protection Program (PPP). As our nation is addressing the needs of small businesses across the country, the gaming industry should be treated just like any other business that employs hard-working Americans and contributes to our economy.

As you are aware, the gaming industry is vital to local small businesses by supporting 350,000 small business jobs and delivering \$52 billion annually in small business revenue, including construction, manufacturing, retail, and wholesale firms. In many states, including Nevada, gaming pays among the highest tax rates of any industry with \$10.7 billion in gaming taxes and tribal revenue share payments that support fundamental and critical programs from infrastructure to education. However, in light of COVID-19, the vast majority of commercial and tribal casino properties have shuttered their doors, leaving hundreds of thousands of employees wondering how they will pay their rent and feed their families.

Congress recently passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act to expand current SBA programs to assist small businesses affected by the current public health crisis. One such program is the Paycheck Protection Program which provides small businesses with funds to pay up to 8 weeks of payroll costs including benefits. Funds can also be used to pay interest on mortgages, rent, and utilities. Unfortunately, the SBA has used antiquated regulations that disproportionately exclude the gaming industry from participating in the program. This was not the intent of the law.

The goal of PPP is to help all small businesses provide for their workers to address the economic impact COVID-19 is taking. However, the SBA has unfairly targeted an industry that operates in 43 states and supports 1.8 million jobs. Therefore, I ask that you immediately revise your regulations to include small gaming entities from receiving support under PPP.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Steven Horsford". The signature is written in a cursive style with a large initial 'S'.

Steven Horsford
Member of Congress

SUSIE LEE

3RD DISTRICT, NEVADA

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COMMITTEE ON
EDUCATION & LABOR

COMMITTEE ON
VETERANS' AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515-2803

April 7, 2020

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

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

Dear Administrator Carranza & Secretary Mnuchin,

I am writing about the recently established Paycheck Protection Program, and the interim regulatory guidelines issued by the Small Business Administration. Those guidelines currently exclude many small businesses who derive a portion of their revenues from gaming from eligibility. This is patently contrary to Congressional intent. I urge you to update these guidelines to ensure that small businesses in Nevada that have been hit hard by this crisis and derive revenue from legal gaming are not unfairly excluded from economic relief.

As you are aware, the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act greatly expanded SBA programs to help small businesses across the country survive this unprecedented economic crisis. Southern Nevada's travel and tourism economy, which accounts for nearly 40% of the region's jobs, has been particularly hard hit. With restaurants, bars, entertainment venues, and casinos closed, the economic engine of the nation's 28th largest metropolitan area has ground to a halt. In the week ending March 21, Nevada had a staggering 92,238 initial claims for unemployment, a 1300% increase over the previous week. Most of the unemployed are service industry workers, like restaurant servers and bartenders, who directly and indirectly rely on gaming for their livelihoods.

In Nevada, gaming is not confined to the multi-billion-dollar mega resorts on the Las Vegas Strip. Local restaurants and bars often rely on the revenue from a handful of video poker machines to make their businesses keep functioning. Indeed, gaming is an almost mandatory offering at independent bars and restaurants in my district. Today, these businesses have been completely idled, and their workers have been ordered to stay home. Every day that passes without relief results in further harm to those businesses' employees and their families. For the SBA to take the position that these small businesses are not eligible for needed aid because of their involvement in the gaming industry belies the economic realities of their location and will doom countless small businesses in Nevada to bankruptcy.

There is no statutory mandate for excluding gaming small businesses from receiving SBA assistance. That said, the interim regulatory guidelines that SBA issued used out-of-date language that excludes small businesses with gaming revenue from SBA loan eligibility. The Paycheck Protection Program was designed to help keep workers on payroll and return to work quickly after we have successfully overcome this pandemic. Unfortunately, the regulatory guidance as currently written fails to do so for significant portions of southern Nevada's small business community.

I urge you to update the Paycheck Protection Program's regulatory guidelines to reflect Congressional intent and ensure that gaming small businesses in Nevada and across the country are not forced out of business due to the COVID-19 pandemic. Thank you for your consideration, and do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Susie Lee". The signature is written in a cursive style with a large, looping "S" and a long, sweeping "L".

Susie Lee
Member of Congress

April 4, 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
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Administrator Carranza and Secretary Mnuchin:

Thank you for your tireless and dedicated work to assist America's small businesses during the COVID-19 pandemic. These are extraordinary times for our country and our economy. Small businesses represent 99 percent of all private businesses and nearly 60 percent of the workforce in South Dakota. Providing relief for each and every one of these businesses will be critical in the weeks and months ahead.

As you move forward with the implementation of the *CARES Act*, it is imperative that every type of small business have the opportunity to seek funding under the newly-created Paycheck Protection Program (PPP). To that end, as your agencies implement the PPP, the Small Business Administration (SBA) and Department of the Treasury (Treasury) should affirm that businesses that receive income from legal gaming operations are eligible to apply for PPP loans, regardless of how much of their income can be attributed to gaming activity.

Small businesses in the gaming industry create over 350,000 jobs in our country across 43 states. In my state, over 1,200 jobs can be directly attributed to the gaming industry in Deadwood, South Dakota, alone, with hundreds of additional jobs being created through tribal gaming enterprises. Leaving these types of small businesses out of important federal recovery efforts would prove to be crippling for South Dakota.

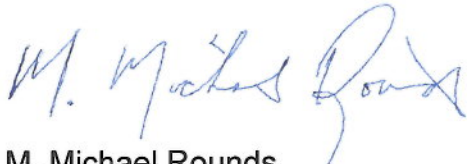
I understand that existing SBA policy as it relates to Economic Injury Disaster Loans (EIDL) under 13 C.F.R. § 123.301 prohibits any business that derives more than one-third of its gross annual revenue from legal gambling activities from applying for EIDL loans. However, the PPP is a totally new program that is separate and distinct from EIDL lending. Given the expansive nature of the PPP and the intent for every small

business that wanted it to receive PPP assistance, it would make no sense to apply the one-third annual revenue from gambling threshold to small businesses under the PPP.

Furthermore, the intent of Congress to leave no small business out of the PPP is apparent in numerous parts of the bill. The legislation clearly states in Section 1102 under the heading "Increased Eligibility" that, "During the covered period, in addition to small business concerns, any business concern, nonprofit organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) shall be eligible to receive a covered loan" provided that the business employs not more than 500 workers. The legislation also allows tribal gaming concerns to receive assistance.

I commend your efforts to develop a critical program like the Paycheck Protection Program in as short of a timeframe as you have. As the SBA and Treasury begin to execute on your vital mission to provide relief for our nation's small businesses, it is imperative that every small business – including those in the gaming industry – be eligible for assistance under the Paycheck Protection Program.

Sincerely,

A handwritten signature in blue ink that reads "M. Michael Rounds". The signature is fluid and cursive, with a large, sweeping flourish at the end.

M. Michael Rounds
United States Senator

JON TESTER
MONTANA

COMMITTEES:
APPROPRIATIONS
BANKING
COMMERCE
INDIAN AFFAIRS
VETERANS' AFFAIRS

SENATE HART BUILDING
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WASHINGTON, DC 20510
202-224-2644

tester.senate.gov/contact

United States Senate

April 1, 2020

The Honorable Jovita Carranza
Small Business Administration
409 3rd Street S.W.
Washington, D.C. 20416

Dear Administrator Carranza:

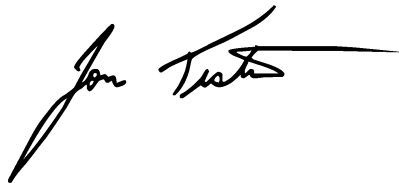
I write today to urge the Small Business Administration (SBA) to consider the unique needs of Montana's locally owned taverns as the SBA issues guidance on the new Paycheck Protection Program authorized in the CARES Act. While Congress clearly intended for this program to help the hardest hit mainstreet businesses deal with COVID-19, there are some questions about the eligibility of mainstreet taverns that receive more than one third of their revenue from gaming. These establishments are important employers and often offer the only food options in some of our most frontier communities. As such, I urge the SBA to ensure that mainstreet, locally owned taverns are eligible for CARES Act programs.

Our country faces an unprecedented public health and economic turmoil from the COVID-19 pandemic. That's why Congress worked together to pass the CARES Act, which includes the Paycheck Protection Program. As an extension of the 7(a) program, the Paycheck Protection Program provides loans up to a maximum amount of \$10 million to cover operational costs. Designed to incentive businesses to keep their employees, businesses can qualify for loan forgiveness for maintaining their employees during this crisis. This is a critically important tool for businesses that are trying to keep up with their bills and take care of their workforce.

As SBA finalizes new initiatives authorized in the CARES Act, I urge you to ensure access for small businesses in the tavern industry that derive a portion of their revenue from legal gaming. These family-run small businesses must have access to the resources that Congress provided to ensure economic stability in our rural communities. We cannot leave them behind.

Thank you for your urgent attention to this matter. I look forward to your swift action.

Sincerely,



Jon Tester

BILLINGS
(406) 252-0550

BOZEMAN
(406) 586-4450

BUTTE
(406) 723-3277

MISSOULA
(406) 728-3003

GREAT FALLS
(406) 452-9585

HELENA
(406) 449-5401

KALISPELL
(406) 257-3360

United States Senate

April 1, 2020

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

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

Dear Administrator Carranza and Secretary Mnuchin:

As you work to implement guidance to lenders on the Paycheck Protection Program (PPP) recently authorized by Congress in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), we request that you abide by Congressional intent to assist all small businesses during the coronavirus crisis by including gaming entities as eligible businesses for PPP.

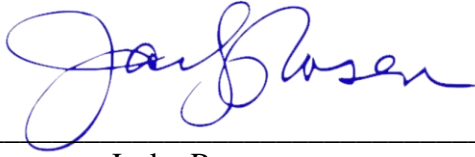
As you know, the CARES Act included a significant expansion of Small Business Administration (SBA) programs intended to assist all small businesses that meet the size-eligibility requirements in the legislation. As you implement and administer these programs, we urge you to do so in a manner that reflects Congress's intent that an expanded universe of legal businesses – including those in the gaming industry – are eligible to receive SBA assistance.

While there is no statutory mandate from Congress to exclude size-eligible gaming operations from receiving SBA assistance such as disaster loans, SBA regulations and standard operating procedures have previously precluded entities that receive more than one-third of their gross annual revenue from legal gambling activities from receiving these SBA loans.

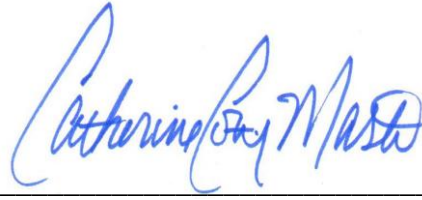
The gaming industry is an important economic engine and job creator in our states and across the country, and has been among the sectors most severely impacted by the coronavirus outbreak due to mandated closure of facilities. These businesses employ thousands of our constituents and provide economic stability to many families in our communities. For these reasons, we ask that you provide an avenue for assistance to gaming entities under PPP, so that these vital businesses can remain in operation and keep people on payrolls during these unprecedented and dire times.

We appreciate your leadership during this extraordinarily difficult time for our nation's small businesses and for your consideration of this important request.

Sincerely,



Jacky Rosen
United States Senator



Catherine Cortez Masto
United States Senator



Michael F. Bennet
United States Senator

April 7, 2020

The Honorable Steven Mnuchin
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue Northwest
Washington, D.C. 20220

The Honorable Jovita Carranza
Administrator
U.S. Small Business Administration
409 Third Street Southwest
Washington, D.C. 20416

Dear Secretary Mnuchin and Administrator Carranza:

Thank you for your extensive work in implementing the recently enacted Coronavirus Aid, Relief, and Economic Security (CARES) Act to swiftly deliver relief to small business across the country. As the Administration continues this important work, I write to bring your attention to an implementation issue that unnecessarily excludes many small tribal gaming businesses from the Paycheck Protection Program (PPP) contrary to the congressional intent of the legislation.

The Paycheck Protection Program created in the CARES Act was intended to be a new, separate and more inclusive program than traditional 7(a) loans or Economic Industry Disaster Loans (EIDL) administered by the Small Business Administration (SBA). In practical terms, Congress created the PPP to ensure tangible financial relief could be delivered to the broadest section of small businesses as possible. To this end, the legislation specifically includes “any... tribal business concerns” under 500 employees as eligible entities for the PPP.

However, the interim final rule issued by SBA on April 2, 2020 contradicts the legislative as well congressional intent by instituting restrictions on the type of tribal business concerns that are eligible for the PPP by invoking regulations intended for the existing EIDL program (13 CFR §120.110). This regulation, which prohibits participation by enterprises who receive more than one-third of their income from legal gambling activities, may be appropriate for other SBA programs but is inconsistent and contrary the purpose of the new and separate Paycheck Protection Program.

Tribal gaming enterprises provide thousands of jobs for both native and non-native employees, often in rural areas of the country. Even small gaming operations under 500 employees are frequently among the largest employers in their communities. The PPP is about keeping employees connected with their employers so that small businesses can quickly ramp back up their economic activity and help lift their communities into recovery after this health crisis is addressed. To ensure the PPP can fulfil this purpose, we respectfully request that the SBA issue updated guidance to clarify that any tribal business, including tribal gaming enterprises, are eligible for the PPP as Congress intended.

Thank you for your consideration of this critical issue for Indian Country. We appreciate the speed with which Treasury and the Small Business Administration have begun executing the provisions of the CARES Act. We look forward to continuing our work with the Administration to provide relief to Americans in this challenging time.

Sincerely,

Handwritten signature of Martha McSally in blue ink.

Martha McSally
United States Senator

Handwritten signature of Steve Daines in blue ink.

Steve Daines
United States Senator

Handwritten signature of Kevin Cramer in blue ink.

Kevin Cramer
United States Senator



Congress of the United States
House of Representatives

April 3, 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

Re: Congressional Native American Caucus Request for Supplementary Guidance

Dear Administrator Carranza and Secretary Mnuchin:

We write you on behalf of the Congressional Native American Caucus (CNAC) to ask your immediate attention to the interim final rule published by the U.S. Small Business Administration yesterday regarding tribal eligibility for the Paycheck Protection Program (PPP) as referenced under 13 C.F.R. 120.110. We are asking that Department of the Treasury and the Small Business Administration expedite immediate clarification on this issue with respect to the explicit language included in the Coronavirus Aid, Relief, and Economic Security (CARES) Act that was recently signed into law.

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 all tribal concerns 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. This interpretation will result in significant impacts to tribal small businesses and unnecessarily exacerbate unemployment and extreme financial distress in many already economically distressed areas.

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, regardless of CRF references, are eligible for these loans. 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,

Deb Haaland, Co-Chair
Congressional Native American Caucus

Tom Cole, Co-Chair
Congressional Native American Caucus