

MARCO RUBIO, FLORIDA, CHAIRMAN  
BENJAMIN L. CARDIN, MARYLAND, RANKING MEMBER

JAMES E. RISCH, IDAHO  
RAND PAUL, KENTUCKY  
TIM SCOTT, SOUTH CAROLINA  
JONI ERNST, IOWA  
JAMES M. INHOFE, OKLAHOMA  
TODDYOUNG, INDIANA  
JOHN KENNEDY, LOUISIANA  
MITT ROMNEY, UTAH  
JOSH HAWLEY, MISSOURI

MARIA CANTWELL, WASHINGTON  
JEANNE SHAHEEN, NEW HAMPSHIRE  
EDWARD J. MARKEY, MASSACHUSETTS  
CORY A. BOOKER, NEW JERSEY  
CHRISTOPHER A. COONS, DELAWARE  
MAZIE HIRONO, HAWAII  
TAMMY DUCKWORTH, ILLINOIS  
JACKY ROSEN, NEVADA

MEREDITH WEST, REPUBLICAN STAFF DIRECTOR  
SEAN MOORE, DEMOCRATIC STAFF DIRECTOR

## United States Senate

COMMITTEE ON SMALL BUSINESS & ENTREPRENEURSHIP

WASHINGTON, DC 20510-6350

TELEPHONE: (202) 224-5175 FAX: (202) 224-5619

April 16, 2020

Michael G. Capatides  
President and CEO  
CIBC Bank USA  
120 South LaSalle Street  
Chicago, Illinois 60603

Dear Mr. Capatides:

I write to request information regarding CIBC USA's policies as they relate to the Paycheck Protection Program (PPP). This letter serves as a follow-up to previous information requests by my staff, which to-date have not received an adequate response.

On March 27, 2020, President Trump signed into law the Coronavirus Aid, Relief, and Economic Security (CARES) Act which provided \$377 billion in immediate relief to small businesses suffering from economic losses caused by COVID-19. This included the creation of the PPP – a new loan guarantee program under the Small Business Administration's 7(a) program that provides cash-flow assistance to small employers who maintain their payroll during this emergency. The intent of the fully guaranteed loan program is to provide immediate and meaningful relief so that no small business would be forced to choose between solvency and retaining their employees during this difficult time.

It has come to my attention that CIBC USA may have an internal policy of examining PPP borrower applications based on its "Reputation and Legal Risk Policy," which reviews prospective borrowers' environmental policies and determines whether they engage in business with the U.S. Department of Defense. I find these reports concerning as such a policy would be in blatant contravention of statutory language, congressional intent, and regulations for a critical program funded with U.S. taxpayer dollars.

For this reason, I request that you provide my office with a copy of all CIBC USA's policies and procedures that CIBC USA has applied to PPP borrower applications beginning on April 3, 2020, no later than 5:00 PM EDT on Monday, April 20, 2020.

In addition, please provide a direct response to each of the following two questions:

1. At any point during the application process, does CIBC USA evaluate or make an assessment of a prospective PPP borrower's environmental policies or values?

2. At any point during the application process, does CIBC USA evaluate, assess, or determine if a prospective PPP borrower engages in business with the U.S. Department of Defense?

The PPP program is a lifeline for small businesses suffering during this unprecedented crisis through no fault of their own. It is imperative that small businesses do not face any unnecessary hurdles or delays in participating in this critical program, which is funded by U.S. taxpayers, and for which you are paid by U.S. taxpayers to process these loans. I appreciate your immediate attention to this urgent matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Rubio', with a stylized flourish at the end.

Marco Rubio  
Chairman