

# United States Senate

WASHINGTON, DC 20510

August 6, 2020

The Honorable Brian D. Miller,  
Special Inspector General for Pandemic Recovery  
U.S. Department of the Treasury  
1500 Pennsylvania Ave. NW  
Washington, DC 20220

Dear Special Inspector General Miller,

As the newly confirmed Special Inspector General for Pandemic Recovery (SIGPR), you have the authority to investigate and audit all loans made or managed by the Secretary of the Treasury, including those made under the Paycheck Protection Program (PPP). We write, therefore, to ask that you review the loans made to at least 43 Planned Parenthood affiliates.<sup>1</sup> Specifically, we ask that you investigate how these affiliates were able to obtain PPP loans despite their ineligibility under the Small Business Administration's (SBA) affiliation rules,<sup>2</sup> whether any Planned Parenthood affiliates knowingly provided false information in their PPP loan applications, and to what extent the parent organization, Planned Parenthood for America (PPFA), was involved in the application process for said loans.

On May 19, 2020, SBA sent a letter to a number of Planned Parenthood affiliates who had received PPP loans informing them that it had made a preliminary determination that the affiliates did not qualify for the loans and all funds must be returned.<sup>3</sup> SBA's preliminary determination found that the affiliates did not qualify under affiliation rules, citing specifically to affiliation arising from management.<sup>4</sup>

In support of its preliminary determination, SBA cited a number of areas in which PPFA exercises control over its affiliates as described by PPFA's bylaws. The cited control included: requirements outlined in PPFA's bylaws dictating a certification process for becoming a Planned Parenthood affiliate; a requirement that affiliate bylaws conform to PPFA policies; and 17 "affiliation mandates" affiliates must abide by covering core medical functions. In addition, SBA found that PPFA requires reaccreditation of affiliates and reserves the right to strip them of

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<sup>1</sup> See SBA Paycheck Protection Program Loans of \$150,000 and Above by State, available at <https://home.treasury.gov/policy-issues/cares-act/assistance-for-small-businesses/sba-paycheck-protection-program-loan-level-data>

<sup>2</sup> See Affiliation Rules Applicable to U.S. Small Business Administration Paycheck Protection Program, Apr. 3, 2020, available at <https://home.treasury.gov/system/files/136/Affiliation%20rules%20overview%20%28for%20public%29.pdf>

<sup>3</sup> Sarah McCammon, Trump Administration To Planned Parenthood: Return Coronavirus Relief Funds, NPR.org, May 21, 2020.

<sup>4</sup> See e.g. Letter to Dr. Laura Meyers, Planned Parenthood of Metropolitan Washington, Inc., from William Manger, Associate Administrator, U.S. Small Business Administration, May 19, 2020, available at <https://www.documentcloud.org/documents/6922122-SBA-Letter-Planned-Parenthood-DC.html>

affiliation with PPFA or eject them from the PPFA network.<sup>5</sup> Taken together, along with SBA's correct assertion that the receipt of these loans by Planned Parenthood affiliates violates the intent of Congress in creating the PPP loans<sup>6</sup>, these facts clearly show that these affiliates should neither have been deemed eligible nor received taxpayer funds in the form of PPP loans.

Statements made by Planned Parenthood suggest that the submissions were done with prior knowledge that the organizations were not eligible for the PPP loans. As noted in a letter to Attorney General William Barr signed by 27 Senators, including many of the undersigned here, Planned Parenthood Action Fund, the political action committee for Planned Parenthood, expressly acknowledged that the CARES Act "gives the Small Business Administration broad discretion to exclude Planned Parenthood affiliates and other non-profits serving people with low incomes and deny them benefits under the new small business loan program."<sup>7</sup> This acknowledgement raises serious questions about not only the intent of Planned Parenthood affiliates in submitting PPP applications, but also the role that PPFA played in inducing or encouraging affiliates to apply for loans in deliberate violation of law.

We therefore ask you to conduct a thorough investigation of all PPP loans applied for and received by any Planned Parenthood affiliate, to determine how those affiliates were able to obtain PPP loans, and if any of their applications were submitted with information that was known or should have been known to be false, and make any civil or criminal referrals that you deem necessary and proper. We also ask that you review the extent to which PPFA was involved in the submission of any affiliate applications containing false or incorrect information. If such involvement is found, we ask that you consider whether it should be referred as a violation of 18 U.S.C. §371 or any other criminal or civil statute.

Sincerely,



Kelly Loeffler  
United States Senator



James E. Risch  
United States Senator



Steve Daines  
United States Senator



Mike Braun  
United States Senator

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Letter to the Honorable William Barr, Attorney General, U.S. Department of Justice, from Tom Cotton, Senator, et. Al., May 21, 2020.



James M. Inhofe  
United States Senator



Marsha Blackburn  
United States Senator



Thom Tillis  
United States Senator



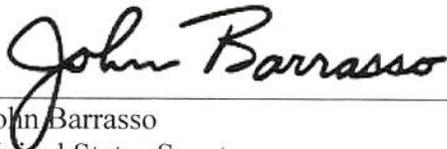
M. Michael Rounds  
United States Senator



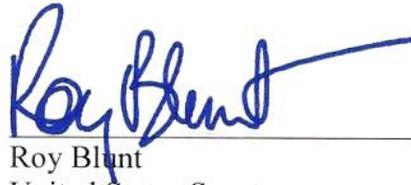
Kevin Cramer  
United States Senator



James Lankford  
United States Senator



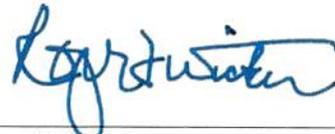
John Barrasso  
United States Senator



Roy Blunt  
United States Senator



Bill Cassidy, M.D.  
United States Senator



Roger F. Wicker  
United States Senator



Rob Portman  
United States Senator



John Thune  
United States Senator



Josh Hawley  
United States Senator



John Hoeven  
United States Senator



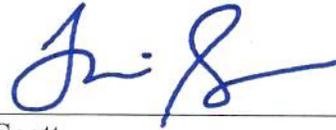
John Boozman  
United States Senator



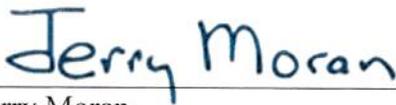
Ben Sasse  
United States Senator



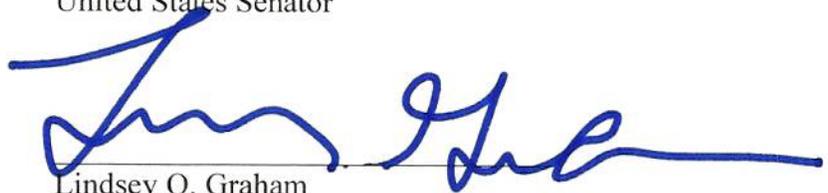
Tom Cotton  
United States Senator



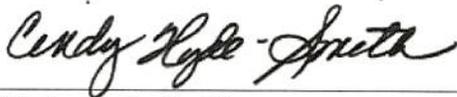
Tim Scott  
United States Senator



Jerry Moran  
United States Senator



Lindsey O. Graham  
United States Senator



Cindy Hyde-Smith  
United States Senator



Deb Fischer  
United States Senator



Rick Scott  
United States Senator



Chuck Grassley  
United States Senator



Michael B. Enzi  
United States Senator