

**Congress of the United States**  
**Washington, DC 20515**

July 23, 2020

The Honorable Jovita Carranza  
Administrator  
Small Business Administration  
403 3rd Street, S.W.  
Washington, D.C. 20416

The Honorable Steven T. Mnuchin  
Secretary  
Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220

Dear Administrator Carranza and Secretary Mnuchin:

We are seeking information and documents regarding attempts by the Small Business Administration (SBA) to target local Planned Parenthood organizations that have participated in the Paycheck Protection Program (PPP).

In May, SBA sent letters to numerous local Planned Parenthood organizations inaccurately informing them that they were ineligible for loans under the program due to their association with Planned Parenthood Federation of America.<sup>1</sup>

On May 28, 2020, we—along with Small Business Subcommittee on Investigations, Oversight and Regulations Chairwoman Judy Chu, Congressional Pro-Choice Caucus Co-Chairs Representatives Diana DeGette and Barbara Lee, and more than 160 Members of Congress—sent a letter urging you to cease SBA’s ideologically motivated attacks against Planned Parenthood health centers and instead focus on providing America’s small businesses and not-for-profit organizations with the critical support they need during the coronavirus crisis.<sup>2</sup>

As we noted in our May 28 letter, the PPP was created to help all eligible recipients—including both for-profit and 501(c)(3) not-for-profit organizations—regardless of ideology or politics. Because local Planned Parenthood organizations operate as independent 501(c)(3) organizations, those that have 500 or fewer employees are not barred from participating in the PPP, consistent with SBA’s rules governing affiliation status and size.<sup>3</sup> Singling out safety-net

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<sup>1</sup> *Planned Parenthoods Received \$80 Million in PPP Loans. Now, the SBA Wants It Back.*, CBS News (May 22, 2020) (online at [www.cbsnews.com/news/planned-parenthood-paycheck-protection-program-loan-controversy/](http://www.cbsnews.com/news/planned-parenthood-paycheck-protection-program-loan-controversy/)).

<sup>2</sup> Letter from Chairwoman Nydia M. Velázquez, Committee on Small Business, Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, et al., to Jovita Carranza, Administrator, Small Business Administration, and Steven T. Mnuchin, Secretary, Department of the Treasury (May 28, 2020) (online at [https://smallbusiness.house.gov/uploadedfiles/letter\\_to\\_sba\\_and\\_treasury\\_on\\_planned\\_parenthood\\_ppp\\_eligibility.pdf](https://smallbusiness.house.gov/uploadedfiles/letter_to_sba_and_treasury_on_planned_parenthood_ppp_eligibility.pdf)).

<sup>3</sup> Planned Parenthood Federation of America, *Press Release: PPFA Denounces Political Attacks on Local Planned Parenthood Health Centers* (May 20, 2020) (online at [www.plannedparenthood.org/about-us/newsroom/press-releases/ppfa-denounces-political-attacks-on-local-planned-parenthood-health-centers](http://www.plannedparenthood.org/about-us/newsroom/press-releases/ppfa-denounces-political-attacks-on-local-planned-parenthood-health-centers)); Department of the Treasury, *Affiliation Rules Applicable to U.S. Small Business Administration Paycheck Protection*

health care providers in the midst of a pandemic further endangers vulnerable populations and contradicts the bipartisan spirit behind the creation of the PPP.

We are concerned that SBA's actions were part of a coordinated effort to use the coronavirus pandemic to attack Planned Parenthood health centers on ideological grounds. Conservative media outlets began reporting on the SBA letters before they were even received by Planned Parenthood recipients, raising questions about whether the letters were intentionally disseminated to press.<sup>4</sup>

Further, a partial list of PPP recipients disclosed by SBA and the Department of the Treasury on July 6 reveals that numerous 501(c)(3) organizations with similar affiliate structures to Planned Parenthood health centers received PPP loans.<sup>5</sup> SBA also appears to have awarded PPP loans to ideologically-driven advocacy organizations, such as the American Family Association and the American Center for Law and Justice, and a number of crisis pregnancy centers—which do not offer the same comprehensive range of reproductive health care services as Planned Parenthood health centers.<sup>6</sup> To date, there have been no reports of SBA informing these organizations of their ineligibility to participate in the PPP, which draws into question whether the program is being administered free of ideological bias.

For these reasons, we request that you provide the following information and produce the following information and documents by August 6, 2020:

1. A list of all 501(c)(3) not-for-profit organizations that have received loans under the PPP;
2. A list of all 501(c)(3) not-for-profit organizations in receipt of PPP loans that received a letter from SBA advising them of an ongoing investigation of their eligibility or a preliminary conclusion of ineligibility for PPP funding under affiliation rules, as well as the date each letter was sent;
3. A list of all 501(c)(3) not-for-profit organizations whose bylaws SBA reviewed in order to determine eligibility for PPP under affiliation rules;
4. A list of any bank or other PPP lender that has been advised or directed by SBA to withhold or not disburse a PPP loan to a specified 501(c)(3) not-for-profit

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*Program* (Apr. 3, 2020) (online at [home.treasury.gov/system/files/136/Affiliation%20rules%20overview%20%28for%20public%29.pdf](https://home.treasury.gov/system/files/136/Affiliation%20rules%20overview%20%28for%20public%29.pdf)).

<sup>4</sup> *Planned Parenthood Affiliates Improperly Applied For and Received \$80 Million in Coronavirus Stimulus Funds, Feds Say*, Fox News (May 19, 2020) (online at [www.foxnews.com/politics/planned-parenthood-coronavirus-stimulus-money-ppp-return](https://www.foxnews.com/politics/planned-parenthood-coronavirus-stimulus-money-ppp-return)).

<sup>5</sup> Department of the Treasury, *SBA Paycheck Protection Program Loan Level Data* (online at <https://home.treasury.gov/policy-issues/cares-act/assistance-for-small-businesses/sba-paycheck-protection-program-loan-level-data>).

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

organization; informed that a borrower is ineligible for a PPP loan already made; or informed that the SBA guarantee for any PPP loan already made is invalid, revoked, or withdrawn—including the identity of the recipient of each PPP loan at issue;

5. A copy of every letter SBA sent to a 501(c)(3) not-for-profit organization in receipt of PPP loans advising them of an ongoing investigation of their eligibility or a preliminary conclusion of ineligibility for PPP funding under affiliation rules; and
6. All communications—including internal communications and communications with any other outside entities—regarding the eligibility of Planned Parenthood organizations to participate in the PPP.

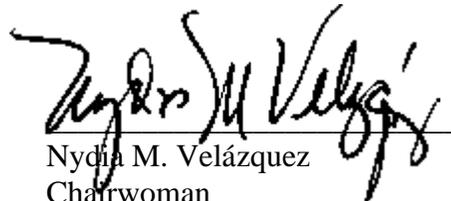
An attachment to this letter provides additional instructions for responding to this request. If you have any questions regarding this request, please contact Oversight and Reform Committee staff at (202) 225-5051 and Small Business Committee staff at (202) 225-4038.

Thank you for your immediate attention to this matter.

Sincerely,



Carolyn B. Maloney  
Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform



Nydia M. Velázquez  
Nydia M. Velázquez  
Chairwoman  
Committee on Small Business

Enclosure

cc: The Honorable James R. Comer, Ranking Member  
Committee on Oversight and Reform

The Honorable Steve Chabot, Ranking Member  
Committee on Small Business

## Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and TIF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.