

117TH CONGRESS
1ST SESSION

S. 1382

To amend the Small Business Act to prohibit abortion providers from receiving a covered loan under the paycheck protection program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2021

Mr. MARSHALL (for himself, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. BRAUN, Mr. CASSIDY, Mr. CRAMER, Mr. CRAPO, Mr. DAINES, Mrs. FISCHER, Mr. HAGERTY, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. KENNEDY, Mr. LANKFORD, Ms. LUMMIS, Mr. McCONNELL, Mr. MORAN, Mr. PORTMAN, Mr. RISCH, Mr. ROUNDS, Mr. RUBIO, Mr. SCOTT of Florida, Mr. THUNE, Mr. TILLIS, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To amend the Small Business Act to prohibit abortion providers from receiving a covered loan under the paycheck protection program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Abortion Providers
5 Loan Elimination Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Coronavirus Aid, Relief, and Economic
4 Security Act (Public Law 116–136) disqualified af-
5 filiations from applying for and receiving loans
6 through the paycheck protection program established
7 under section 7(a)(36) of the Small Business Act
8 (15 U.S.C. 636(a)(36)).

9 (2) Section 7(a)(36)(D)(vi) of the Small Busi-
10 ness Act (15 U.S.C. 7(a)(36)(D)(vi)), as added by
11 the Coronavirus Aid, Relief, and Economic Security
12 Act, established that affiliation rules apply to non-
13 profits for the purpose of determining whether a
14 nonprofit has 500 or fewer employees.

15 (3) Planned Parenthood Federation of America,
16 a national organization with central control over its
17 affiliates and which has nearly \$2,000,000,000 in
18 assets and 16,000 employees, improperly applied for,
19 and received \$80,000,000 in loans through the pay-
20 check protection program.

21 (4) In May of 2020, the Small Business Admin-
22 istration sent letters to the 38 Planned Parenthood
23 affiliates who had improperly applied for and re-
24 ceived funds under the paycheck protection program
25 contrary to the letter of the law, instructing the af-
26 filiates to return the funding.

1 (5) According to the most recently available
 2 data, 7 affiliates did so, but the remaining 31 affili-
 3 ates kept the received funding despite receiving no-
 4 tice that they had received such funds illegally.

5 (6) As of March 23, 2021, 3 of the 31 Planned
 6 Parenthood affiliates again applied for and received
 7 second draw loans under section 7(a)(37) of the
 8 Small Business Act (15 U.S.C. 636(a)(37)) for a
 9 combined \$4,800,000 of additional funding.

10 **SEC. 3. PAYCHECK PROTECTION PROGRAM.**

11 (a) IN GENERAL.—Section 7(a)(36) of the Small
 12 Business Act (15 U.S.C. 636(a)(36)) is amended by add-
 13 ing at the end the following:

14 “(W) PROHIBITION ON COVERED LOANS
 15 FOR ABORTION PROVIDERS.—

16 “(i) IN GENERAL.—Except as pro-
 17 vided in clause (ii), no individual or entity
 18 that provides abortions shall be eligible to
 19 receive a covered loan.

20 “(ii) EXCEPTIONS.—Clause (i) shall
 21 not apply to—

22 “(I) a hospital, as defined in sec-
 23 tion 1861(e) of the Social Security
 24 Act (42 U.S.C. 1395x(e)); or

1 “(II) an entity that exclusively
2 provides abortions described in section
3 507(a) of the Further Consolidated
4 Appropriations Act, 2020 (Public Law
5 116–94).”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall be effective as if included in the enact-
8 ment of the CARES Act (Public Law 116–136).

9 **SEC. 4. INSPECTOR GENERAL REPORT.**

10 Not later than 6 months after the date of enactment
11 of this Act, the Inspector General of the Small Business
12 Administration shall conduct an investigation and submit
13 to Congress a report on the number of covered loans made
14 to the Planned Parenthood Federation of America pursu-
15 ant to section 7(a)(36) of the Small Business Act (15
16 U.S.C. 636(a)(36)) and to other individuals or entities
17 that provide abortions.

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