

Temporary Assistance for Needy Families (TANF) and Pregnancy Centers

January 12, 2024

The House Ways and Means Committee has approved and ordered legislation (H.R. 6918) to be sent to the full House seeking to forestall the Department of Health and Human Services (HHS) from implementing a proposed regulation that might limit the use of Temporary Assistance for Needy Families (TANF) block grant funds at “pregnancy centers.” The bill defines a *pregnancy center* as an entity that “supports protecting the life of the mother and the unborn child” and offers resources and services to the mothers, fathers, and families. These centers sometimes receive funds through TANF subgrants from the states in Alternatives to Abortion programs.

States that are found using TANF funding improperly are penalized by HHS through a reduction in their block grant. The bill would prohibit HHS from finalizing, implementing, or enforcing any modification to existing regulations with respect to pregnancy centers regarding what is considered a proper or improper use of TANF funds.

TANF Use of Funds and the Proposed Regulation

The TANF block grant and associated nonfederal dollars fund a wide range of benefits, services, and activities related to both ameliorating the effects of, or stemming the root causes of, childhood economic and social disadvantage. It is best known for funding ongoing cash assistance for low-income families with children (sometimes called *welfare*). However, the overarching purpose of TANF is to “increase state flexibility” to achieve four statutory goals:

1. assist needy families so they can live in their own homes or the homes of their relatives;
2. end the dependence of needy parents on government benefits through work, job preparation, and marriage;
3. reduce the incidence of out-of-wedlock pregnancies; and
4. promote the formation and maintenance of two-parent families.

States have the authority to use TANF funds in any manner “reasonably calculated” to achieve the overarching TANF purpose and the four goals. There are some prohibitions on the use of TANF funds. For example, the [statute](#) prohibits states from using TANF funds for medical services other than pre-pregnancy family planning. Aside from specific prohibitions, however, states have broad flexibility in the

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use of TANF funds. Thus, TANF is best described as a broad-purpose block grant. (A summary of how states have, on average, used TANF funds in FY2021 can be found [here](#).)

Aside from ongoing cash assistance, which is subject to certain federal rules (work standards, time limits), most of the other activities funded out of TANF are subject to minimal statutory rules and oversight. This includes TANF-funded activities such as employment services for those not receiving assistance, child care, programs for youth, pre-kindergarten programs, and other activities that reflect spending to achieve TANF's goals. The range of allowable benefits that can be funded by TANF and the lack of rules for them was highlighted in a [2023 hearing](#) by a House Ways and Means subcommittee.

On October 2, 2023, HHS issued a [Notice of Proposed Rulemaking \(NPRM\)](#) that seeks to rein in TANF spending for activities beyond those related to ongoing assistance and employment.

Proposed Regulatory Change that Would Affect Pregnancy Centers

The HHS-proposed change to the regulatory language is not specific to pregnancy centers. Rather, for an activity that “does not appear to HHS to be reasonably calculated” to achieve TANF's purpose, it puts the burden of proof on the state to show that “a reasonable person” would consider that activity to meet a statutory TANF goal.

The reference to pregnancy centers in the NPRM is in its preamble (or discussion) of the intent of the regulatory change. In the preamble, referring to states funding pregnancy centers based on TANF's goal of reducing out-of-wedlock pregnancies, HHS states that

programs that only or primarily provide pregnancy counseling to women only after they become pregnant likely do not meet the reasonable person standard because the connection to preventing and reducing out-of-wedlock pregnancies is tenuous or non-existent, and therefore do not accomplish purpose three. States that provide funding for these types of programs, including through entities sometimes known as crisis pregnancy centers or pregnancy resource centers, must be able to show that the expenditure actually accomplishes the TANF purpose, that prior expenditures by the state or another entity for the same or a substantially similar program or activity actually accomplished the TANF purpose, or that there is academic or other research indicating that the expenditure could reasonably be expected to accomplish the TANF purpose.

(U.S. Department of Health and Human Services, “Strengthening Temporary Assistance for Needy Families (TANF) as a Safety Net and Work Program,” 88 *Federal Register* 67705, October 3, 2023.)

HHS also noted in the preamble that it would require evidence from the state that certain activities unrelated to pregnancy centers are tied to TANF's purpose. Examples of such activities are college scholarships for adults without children, after-school mentoring and academic tutoring, and other education and training provided for childless individuals or parents without regard to income.

Available Information on TANF and Pregnancy Centers

The information that the statute requires states to provide to HHS on TANF is not at the level of detail to show how many states and how much funding is provided out of TANF block grants to pregnancy centers. A CRS search of the Lexis database using terms such as *TANF*, *Temporary Assistance for Needy Families*, *pregnancy resource center*, *abortion alternative*, and *alternatives to abortion* for state laws that may have provided appropriations to these initiatives within the past fiscal year or the upcoming fiscal year yielded information for four states: [Indiana](#), [Louisiana](#), [Missouri](#), and [Ohio](#). Not all states produce budgets on an annual fiscal year basis. The search may not be comprehensive; it is possible that relevant laws may not have included the above search terms. (Lexis is a subscription legal research database to which CRS researchers have access.)

For more information on TANF, see CRS In Focus IF10036, *The Temporary Assistance for Needy Families (TANF) Block Grant*.

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