



November 30, 2023

To: Department of Health and Human Services, Administration for Children and Families

Re: Proposed Rule 88 FR 67697 amending the Temporary Assistance for Needy Families program regulations

Family Council in Arkansas opposes Proposed Rule 88 FR 67697 amending the Temporary Assistance for Needy Families (TANF) program regulations. The section-by-section discussion of the proposed rule change makes it clear that applying the “reasonable person” test to evaluate “whether an expenditure is reasonably calculated to accomplish a TANF purpose” makes it clear that the rule change would exclude pregnancy resource centers—also known as crisis pregnancy centers—from eligibility for TANF funds.

Specifically, the discussion says:

“Similarly, 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. If pregnancy prevention programming is a part of an ongoing program, such as year round after-school programming, only those costs associated with delivery of pregnancy prevention should be cost allocated and non-TANF funds used to fund other activities.”

This blanket statement assumes that pregnancy resource centers should be excluded from TANF funding by default, because these organizations help women after they become pregnant rather than focusing on pregnancy prevention. Many pregnancy resource centers provide everything from ultrasounds and pregnancy tests to maternity clothes, diapers, and formula — typically free of charge. There is no doubt these organizations provide actual, measurable assistance to women, children, and families.

For example, in a statement dated April 25, 2023, the Arkansas Pregnancy Resource Center wrote, “Every client who comes to the clinic [the Arkansas Pregnancy Resource Center] is offered STI [sexually transmitted infection] testing and a high-risk assessment to determine treatment needs. We test for chlamydia and gonorrhea, which simply requires a non-invasive urine sample and is sent to the lab for evaluation. . . . If an STI test comes back positive, we offer free treatment for both clients and any partners. Our care and services are

always free and confidential, with care and appropriate education to reduce anxiety, walk with you through the process and enable you to make choices you can feel confident about in the future.”

According to its website, Arkansas Pregnancy Resource Center also offers the following services free of charge:

- Pregnancy Testing using medical-grade urine pregnancy tests
- Limited OB Ultrasounds
- STD/STI Testing
- Community and Medical Referrals
- Parenting Classes

A reasonable person reading this list ought to conclude that providing free pregnancy testing, free STI testing, free ultrasounds, free community and medical referrals, and free parenting classes helps accomplish TANF’s purposes of assisting needy families so children may be cared for in their own homes or the homes of relatives; ending dependence of needy parents on government benefits; and encouraging the formation and maintenance of two-parent families. Should a pregnancy resource center be disqualified from TANF if it fulfills these purposes but does not specifically work to address pregnancy prevention?

Right now, at least five states—Indiana, Louisiana, Missouri, Ohio, and Pennsylvania—distribute a portion of their TANF funding to pregnancy resource centers and similar organizations. Blanket policies that designate pregnancy resource centers as ineligible for TANF funding hampers states’ ability to identify and fund organizations and initiatives best suited to fulfilling TANF’s purposes in their communities, and they make it more difficult for families to find and receive assistance.

For these reasons, Family Council in Arkansas opposes the proposal to amend the Temporary Assistance for Needy Families (TANF) program regulations.