



To:
Office of Family Assistance
Administration of Children and Families
U.S. Department of Health and Human Services
200 Independence Ave. SW
Washington, DC 20201

From:
Susan B. Anthony Pro-Life America and the Charlotte Lozier Institute
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P.O. Box #803
Arlington, VA 22206

RE: Comments on Proposed Rule: Strengthening Temporary Assistance for Needy Families (TANF) as a Safety Net and Work Program, 88 FR 67697 (October 2, 2023), RIN: 0970-AC97, Docket No. 2023-21169

Via upload at Federal eRulemaking Portal: <http://www.regulations.gov>.

To Whom It May Concern:

Susan B. Anthony Pro-Life America (“SBA”) is a 501(c)(4) nonprofit organization, based in Arlington, Virginia, that seeks to reduce and ultimately end abortion in the United States by electing national leaders and advocating for laws that save lives, with a special calling to promote pro-life women leaders. Marjorie Dannenfelser serves as the principal officer of SBA.

Charlotte Lozier Institute (“CLI”) is a 501(c)(3) nonprofit organization, based in Arlington, Virginia, that provides research and education on abortion, the right to life, and an array of issues in ethics and the life sciences. Charles Donovan serves as the principal officer of CLI.

Collectively, our organizations represent over 1 million Americans and offer education about, messaging on, and grassroots direction for life-related issues. Our interest in commenting on the proposed rule is to represent the desires of our membership and the majority of Americans who support the inclusion of Pregnancy Resource Centers, also known as Crisis Pregnancy Centers, Pregnancy Help Centers, and Pregnancy Care Centers, in state TANF programming.¹

¹ Samantha Aschieris, *Most Americans Support Publicly Funding Pregnancy Resource Centers, Poll Finds*. The Daily Signal. 24 Aug. 2022. Available at: <https://www.dailysignal.com/2022/08/24/most-americans-support-publicly-funding-pregnancy-resource-centers-poll-finds/> (Accessed 30 Nov. 2023).

Pregnancy Resource Centers using TANF funding serve hundreds of thousands of clients and provide their communities with millions of dollars’ worth of free services.

Although other states have included Pregnancy Resource Centers in their TANF programs since 2002, four do so right now. These states are Indiana, Louisiana, Missouri, and Pennsylvania.

The Charlotte Lozier Institute produced “State Impact Reports” for two states that used TANF dollars in 2023, Ohio² and Pennsylvania,³ as well as Texas,⁴ which used TANF dollars to partner with Pregnancy Resource Centers until 2021, measuring their impact in 2019. In just one year in these three states:

Total cost savings to the community: \$53.7 million.

1. Ohio: \$15.1 million
2. Pennsylvania: \$5.6 million
3. Texas: \$33 million

Total number of women, men, youth, and families served: 366,196.

1. Ohio: 126,590
2. Pennsylvania: 60,882
3. Texas: 178,724

Over 2,700 pro-life Pregnancy Resource Centers nationwide served almost two million people in 2019, at an estimated value of nearly \$270 million,⁵ the vast majority of pregnancy center funding coming from private donations rather than government grants or reimbursements. If Pregnancy Resource Centers are specifically eliminated from providing services funded by TANF, rather than reducing government expenses, communities would presumably have to spend \$53.7 million to make up for lost services in just the three states where CLI has reported data.⁶

² Ohio shifted its funding structure as of July 1, 2023. The Ohio Parenting and Pregnancy Program is currently funded using state dollars with \$7 million allocated each year for FY 2024 and FY 2025. Maeve Walsh, *Ohio lawmakers double available funds for crisis pregnancy centers*. NBC 4i. Available at: <https://www.nbc4i.com/news/local-news/ohio-lawmakers-double-available-funds-for-crisis-pregnancy-centers/> (Accessed 1 Dec. 2023). For past impact, see: *Pregnancy Center State Impact Report: Ohio*. The Charlotte Lozier Institute. 2019. Available at: <https://lozierinstitute.org/wp-content/uploads/2023/01/2019-Ohio-State-Impact-Report.pdf> (Accessed 28 Nov. 2023).

³ *Pregnancy Center State Impact Report: Pennsylvania*. The Charlotte Lozier Institute. 2019. Available at: <https://lozierinstitute.org/wp-content/uploads/2023/01/Final-2019-Pennsylvania-State-Impact-Report.pdf> (Accessed 28 Nov. 2023).

⁴ *Pregnancy Center State Impact Report: Texas*. The Charlotte Lozier Institute. 2019. Available at: https://lozierinstitute.org/wp-content/uploads/2023/01/Final-Texas-State-Impact-Report_2019-Data.pdf (Accessed 28 Nov. 2023).

⁵ “Pro-life Pregnancy Centers Served 2 Million People with Essential Medical, Education and Support Services in 2019.” Charlotte Lozier Institute, 21 Oct. 2020. Available at: <https://lozierinstitute.org/pro-life-pregnancy-centers-served-2-million-people-with-essential-medical-education-and-support-services-in-2019/> (Accessed 27 Nov. 2023).

⁶ *State Impact Reports: Pennsylvania, Texas, and Ohio*. The Charlotte Lozier Institute. 2019. Available at: <https://lozierinstitute.org/pcr/> (Accessed 20 Nov. 2023).

The proposed rule unfairly, inaccurately, and unconstitutionally calls out Pregnancy Resource Centers as being ineligible for TANF funding.

The proposed rule calls out Pregnancy Resource Centers as being potentially ineligible for funding without reference to any other non-profit organization or entity in the same manner. This “calling out”: 1) Misrepresents the purpose of and services provided by Pregnancy Resource Centers, 2) Contradicts the stated purposes of TANF in 42 U.S.C. 601(a) and 604(a)(1), as well as the stated goals of the Notice of Proposed Rulemaking (NPRM), 3) Will harm communities, and 4) Will leads to unconstitutional viewpoint discrimination.

The proposed rule states:

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 activities⁷ (emphasis added).

The proposed rule misrepresents the purpose of, and services provided by, Pregnancy Resource Centers.

The proposed rule characterizes Pregnancy Resource Centers as organizations having programs “that only or primarily provide pregnancy counseling to women only after they become pregnant.” This is simply not true. Pregnancy Resource Centers provide myriad services to women and families both before and after pregnancy.⁸ Indeed, Pregnancy Resource Centers are well-suited to a program like TANF because providing material support free-of-charge and aiding clients in developing critical life skills to gain economic self-sufficiency are two of the core missions of the pregnancy center movement.

⁷ See Federal Register / Vol. 88, No. 189 / Monday, Oct. 2, 2023 / Proposed Rules pg. 67705.

⁸ See generally, *The Truth About “Crisis Pregnancy Centers.”* Care Net. Available at: https://www.care-net.org/hubfs/Downloads/The_Truth_About_Crisis_Pregnancy_Centers.pdf?hsCtaTracking=a06cb313-a1fe-45c0-813a-236ab3c8fbfe%7C19a83cca-5f9e-4352-8c70-bb7f26222f7c (Accessed 20 Nov. 2023); *Pregnancy Centers Stand the Test of Time.* The Charlotte Lozier Institute. 2019. Available at: <https://lozierinstitute.org/pcr/> (Accessed 20 Nov. 2023).

By calling out Pregnancy Resource Centers, the proposed rule opposes the stated purposes of TANF in 42 U.S.C. 601(a) and 604(a)(1).

Contrary to what the proposed rule implies, through direct services and community referrals, Pregnancy Resource Centers meet all four TANF goals. The purposes of TANF as stated in 42 U.S.C. 601(a) and 604(a)(1) are to:

- (1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;**

Pregnancy Resource Centers meet this purpose by providing options counseling to women and families prior to birth⁹ and parenting education, which helps parents learn to be effective moms and dads when raising children in their own homes. Some sponsor fatherhood-specific programs, which help keep families intact.¹⁰

Topics for parenting education include, but are not limited to:¹¹

1. child development
2. safety and injury prevention
3. mommy nutrition
4. infant nutrition
5. car seat safety
6. Sudden Infant Death Syndrome
7. bonding
8. quality childcare
9. family rules
10. infant and child CPR
11. positive discipline strategies
12. single parenting and military deployment
13. communication skills
14. anger management
15. financial management, and
16. hygiene.

Of course, Pregnancy Resource Centers may be best known for providing essential material items, including diapers, wipes, baby clothing, new car seats, and strollers, to ease the financial pressure

⁹ *Pregnancy Centers Stand the Test of Time*. The Charlotte Lozier Institute. 2019. pg. 4. Available at: <https://lozierinstitute.org/pcr/> (Accessed 20 Nov. 2023).

¹⁰ *Pregnancy Centers Stand the Test of Time*. The Charlotte Lozier Institute. 2019. pg. 50. Available at: <https://lozierinstitute.org/pcr/> (Accessed 20 Nov. 2023).

¹¹ *Pregnancy Centers Stand the Test of Time*. The Charlotte Lozier Institute. 2019. pg. 48-50. Available at: <https://lozierinstitute.org/pcr/> (Accessed 20 Nov. 2023).

facing low-income families. These services are provided at no-cost to clients and the annual estimated value of these essential baby items, nationally, is \$26,747,835.¹²

(2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;

In addition to direct services, Pregnancy Resource Centers offer numerous referrals¹³ to assist in the areas of job performance, work, and personal relationships, including, but not limited to:

1. childcare programs
2. financial assistance
3. food banks and pantries
4. GED completion
5. Head Start
6. housing support
7. job centers and skills training
8. marriage enrichment programs
9. mental health services
10. mentoring programs
11. Mothers of Preschoolers (MOPS)
12. prescription assistance
13. relationship counseling, and
14. transportation support.

(3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and

Pregnancy Resource Centers provide ample direct services to reduce out-of-wedlock pregnancies by providing Sexual Risk Avoidance (or abstinence only) education and Sexual Integrity counseling focused on a whole-woman’s health approach. This is provided to the 23% of clients who present with a negative pregnancy test in a pregnancy resource center.¹⁴ According to Planned Parenthood, abstinence is the “only 100% effective way to avoid pregnancy.”¹⁵ Additionally, Pregnancy Resource Centers serve to reduce out-of-wedlock pregnancies by making referrals for

¹² *Pregnancy Centers Stand the Test of Time*. The Charlotte Lozier Institute. 2019. pg. 51-52. Available at: <https://lozierinstitute.org/pcr/> (Accessed 20 Nov. 2023).

¹³ *1969-2018: A Half Century of Hope: Pregnancy Center Service Report*. The Charlotte Lozier Institute. 2018. pgs. 20-21. Available at: <https://lozierinstitute.org/pcr/> (Accessed 20 Nov. 2023).

¹⁴ *Pregnancy Centers Stand the Test of Time*. The Charlotte Lozier Institute. 2019. pg. 53-54. Available at: <https://lozierinstitute.org/pcr/> (Accessed 20 Nov. 2023).

¹⁵ *What are the benefits and disadvantages of abstinence and outercourse?* Planned Parenthood. Available at: <https://www.plannedparenthood.org/learn/birth-control/abstinence-and-outercourse/what-are-benefits-and-disadvantages-abstinence-and-outercourse> (Accessed 20 Nov. 2023).

Natural Family Planning and medical care,¹⁶ including Fertility-Based Awareness education to manage family planning.¹⁷ Some Pregnancy Resource Centers do provide or make referrals for clients seeking birth control.¹⁸

(4) encourage the formation and maintenance of two-parent families.

Many Pregnancy Resource Centers offer or refer to both Marriage Enrichment & Relationship Counseling, and other programming that serve to improve marriages and reduce strains on marital and other parenting relationships.¹⁹

At worst, the proposed rule calling out Pregnancy Resource Centers directly opposes the long-established goals of TANF, and at best it confuses state lawmakers about the role Pregnancy Resource Centers can play in TANF programs. In both scenarios, communities will suffer from any reduction in the services Pregnancy Resource Centers provide at no cost to their clients.

By calling out Pregnancy Resource Centers, the proposed rule contradicts its own stated goals.

The proposed rule states that it seeks to “reduce administrative burden and increase program effectiveness,” and notes that the Administration of Children and Families (ACF) is concerned about the diminishing funding of TANF. It notes: “TANF’s annual funding has never been adjusted for inflation in its 27-year history and is now worth almost 50 percent less than when the program was created.”²⁰

Despite these financial constraints, Pregnancy Resource Centers have a proven track record of maximizing resources for their clients. For example, Pennsylvania Real Alternatives has been recognized for its low administrative overhead, which is consistently below the TANF cap of 15%.²¹ Just a few years ago, then-HHS Assistant Secretary for the Administration of Children and Families Lynn Johnson praised Pennsylvania’s Real Alternatives model as an ideal TANF partner.

“When TANF became law in the 1990s, the intent was to allow the states, the great laboratories of our country, to use the block grant to serve our fellow citizens in need the

¹⁶ *1969-2018: A Half Century of Hope: Pregnancy Center Service Report*. The Charlotte Lozier Institute. 2018. pgs. 20-21. Available at: <https://lozierinstitute.org/pcr/> (Accessed 20 Nov. 2023).

¹⁷ *Pregnancy Centers Stand the Test of Time*. The Charlotte Lozier Institute. 2019. pg. 39-41. Available at: <https://lozierinstitute.org/pcr/> (Accessed 20 Nov. 2023).

¹⁸ Sarah Pulliam Bailey, *A new chain of Christian pregnancy centers will provide a controversial service: Contraception*. Washington Post. 7 Nov. 2019. Available at: https://www.washingtonpost.com/local/social-issues/a-new-chain-of-christian-pregnancy-centers-will-provide-a-controversial-service-contraception/2019/11/07/7b89bd14-f458-11e9-ad8b-85e2aa00b5ce_story.html (Accessed 28 Nov. 2023).

¹⁹ *1969-2018: A Half Century of Hope: Pregnancy Center Service Report*. The Charlotte Lozier Institute. 2018. pgs. 20-21. Available at: <https://lozierinstitute.org/pcr/> (Accessed 20 Nov. 2023).

²⁰ See <https://www.federalregister.gov/documents/2023/10/02/2023-21169/strengthening-temporary-assistance-for-needy-families-tanf-as-a-safety-net-and-work-program>

²¹ *Celebrating 25 Years*. Real Alternatives. 2023. <https://www.realalternatives.org/wp-content/uploads/2021/12/RA-PA-Program-2020.pdf> (Accessed 30 Nov. 2023).

best way they saw fit. It was a simple idea that those closest to the needs of society were the ones best suited to meet those needs. The power of that idea would unleash creative solutions to difficult issues. After reviewing your program’s performance and success, I can’t think of a better successful example of that idea than the Pennsylvania Pregnancy and Parenting Support Program©.”²²

If ACF is indeed concerned with increasing program effectiveness with diminished funding, it should be *learning* from Real Alternatives, not attempting to shut it down. Creating confusion or eliminating the participation of Pregnancy Resource Centers from TANF programs would harm the thousands of families and children that rely on their services.

By calling out only Pregnancy Resource Centers, the proposed rule suggests likely future unconstitutional viewpoint discrimination.

On its face, the rule is not viewpoint neutral. Specifically, it implies that Pregnancy Resource Centers are ineligible for TANF funding. What is worse, the rule does not make the same implication about any other entity or organization. By definition and reputation, Pregnancy Resource Centers operate based on a pro-life point of view. Courts have found that “viewpoint discrimination” is an egregious form of content discrimination.²³

The proposed rule would allow HHS to second-guess how states run their TANF programs, and more critically, with whom they choose to partner. The suggestion in the proposed rule that partnering with Pregnancy Resource Centers is *per se* “unreasonable” should be viewed with suspicion. HHS scrutiny of a state including Pregnancy Resource Centers in its TANF program seems tied to a Center’s disfavored (by the current administration) views rather than whether it is a good partner that is successfully effectuating the purposes of TANF.

For the aforementioned reasons, we advise the Administration of Children and Families of the Department of Health and Human Services to remove the reference to “Pregnancy Resource Centers” found within the proposed rule and we strongly urge ACF to continue to support states that choose to allocate a portion of their TANF funds to these worthy organizations.

Respectfully,

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²² *Temporary Assistance for Needy Families*. Real Alternatives. 2023. Available at: <https://www.realalternatives.org/tanf/> (Accessed 30 Nov. 2023).

²³ See *Rosenberger v. Rector and Visitors of University of Virginia*, 515 U.S. 819 (1995).