

# Temporary Assistance for Needy Families (TANF) and Pregnancy Centers

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The House Ways and Means Committee has ordered reported to the House H.R. 6945, which addresses the use of funds from the Temporary Assistance for Needy Families (TANF) block grant in 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, such as relationship counseling, prenatal and pregnancy education, pregnancy testing, diapers, baby clothes, and other material supports. These centers sometimes receive funds through TANF subgrants from the states.

H.R. 6945 would amend the TANF statute to say no provision of TANF law prohibits states from using TANF funds in pregnancy centers. During the Biden Administration, [HHS issued a Notice of Proposed Rulemaking \(NPRM\)](#) that sought to rein in TANF spending for activities beyond those related to ongoing assistance and employment. The NPRM specifically mentioned post-pregnancy counseling in pregnancy centers as an activity that would have come under heightened scrutiny. In the 118<sup>th</sup> Congress, the House passed a bill (H.R. 6918) that sought to forestall the U.S. Department of Health and Human Services (HHS) from implementing a proposed regulation that might limit the use of TANF funds at pregnancy centers. The Biden Administration eventually [withdrew](#) the full proposed rule.

## TANF Use of Funds

TANF is a broad-purpose block grant that provides grants to states to fund a wide range of benefits, services, and activities. 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:

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

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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 use of TANF funds. (A summary of how states, on average, used TANF funds in FY2023 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. 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.

## Withdrawn NPRM and Pregnancy Centers

The withdrawn NPRM was 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 put 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 was in its preamble (or discussion) of the intent of the regulatory change. In the preamble, HHS discussed one activity in pregnancy centers: pregnancy counseling. It questioned states’ justification for using TANF funds for pregnancy counseling based on its goal of reducing out-of-wedlock pregnancies. HHS stated 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.)

The NPRM did not address other activities of a pregnancy center, such as providing diapers, baby clothes, and other material support.

As noted, the NPRM’s scope was broader than pregnancy centers. 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.

## Current Legislation

H.R. 6945, as ordered reported, would add to TANF statute a provision that says that no provision of TANF law prohibits states from using TANF funds in pregnancy centers. This differs from the legislation that passed the House in the 118<sup>th</sup> Congress that was specific to the Biden Administration’s NPRM.

For more information on TANF, see CRS Report R48413, *Temporary Assistance for Needy Families (TANF) Block Grant: A Primer*.

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