

118TH CONGRESS
2D SESSION

S. 3611

To amend part A of title IV of the Social Security Act to clarify the longstanding authority of States to use funds made available under the Temporary Assistance for Needy Families program to fund life-affirming services to empower pregnant women to choose life for their babies instead of abortion, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 18, 2024

Mrs. HYDE-SMITH (for herself, Mr. BRAUN, Mrs. BLACKBURN, Mr. HAWLEY, Mr. RUBIO, Mr. MULLIN, Mr. WICKER, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend part A of title IV of the Social Security Act to clarify the longstanding authority of States to use funds made available under the Temporary Assistance for Needy Families program to fund life-affirming services to empower pregnant women to choose life for their babies instead of abortion, 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 “Let Pregnancy Centers
5 Serve Act of 2024”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Pregnancy centers are community-based,
4 nonprofit organizations that provide compassionate
5 support and resources to women and couples facing
6 unexpected pregnancy and offer life-affirming alter-
7 natives to abortion.

8 (2) In 2022 alone, 2,750 pregnancy centers
9 across the United States met with clients over
10 16,000,000 times, providing services and material
11 items that were estimated to be worth approximately
12 \$358,000,000. Pregnancy centers were served by
13 62,576 workers and 72 percent of these workers
14 (44,930) were volunteers. 97.4 percent of clients
15 seen by pregnancy centers reported having a positive
16 experience with pregnancy centers.

17 (3) Eighteen States have established alter-
18 natives to abortion programs, which fund life-affirm-
19 ing services to empower pregnant women to choose
20 life for their babies instead of abortion, typically by
21 supporting pregnancy centers, adoption agencies,
22 maternity homes, and other relevant social services
23 partners.

24 (4) Alternatives to abortion programs offer
25 services and material assistance to pregnant women
26 and their families, including parenting classes, train-

1 ing in life skills, sexual risk avoidance education,
2 promoting responsible paternity, promoting mar-
3 riage, care coordination, housing and support serv-
4 ices through maternity homes, assistance with job
5 searching, reducing dependence on government, and
6 much more.

7 (5) States have supported these alternatives to
8 abortion programs with a portion of the funds pro-
9 vided to them under the Temporary Assistance for
10 Needy Families Program under part A of title IV of
11 the Social Security Act (42 U.S.C. 601 et seq.) (re-
12 ferred to in this Act as “TANF”) for more than 2
13 decades, since 2001. At least 4 States, Indiana,
14 Louisiana, Missouri, and Ohio, currently use TANF
15 funds to support such programs, together expending
16 millions of dollars each year.

17 (6) On October 2, 2023, the Biden Administra-
18 tion issued a proposed rule, “Strengthening Tem-
19 porary Assistance for Needy Families (TANF) as a
20 Safety Net and Work Program,” (88 Fed. Reg.
21 67697) targeting pregnancy centers and alternatives
22 to abortion programs and threatening to strip them
23 of millions of dollars of funding, depriving pregnant
24 women in need of compassionate assistance for
25 themselves and their unborn babies.

1 (7) Contrary to the assertions of the Biden Ad-
 2 ministration, alternatives to abortion programs, and
 3 the pregnancy centers they support, fulfill the pur-
 4 pose of TANF specified in section 401(a) of the So-
 5 cial Security Act (42 U.S.C. 601(a)) to—

6 (A) provide assistance to needy families so
 7 that children may be cared for in their own
 8 homes or in the homes of relatives;

9 (B) end the dependence of needy parents
 10 on government benefits by promoting job prepa-
 11 ration, work, and marriage;

12 (C) prevent and reduce the incidence of
 13 out-of-wedlock pregnancies and establish annual
 14 numerical goals for preventing and reducing the
 15 incidence of these pregnancies; and

16 (D) encourage the formation and mainte-
 17 nance of two-parent families.

18 **SEC. 3. PURPOSES.**

19 The purposes of this Act are to—

20 (1) clarify the longstanding authority of States
 21 to use TANF funds to fund alternatives to abortion
 22 programs and pregnancy centers, which provide life-
 23 affirming services to empower pregnant women to
 24 choose life for their babies instead of abortion; and

1 (2) prevent wrongful attempts to target such
 2 life-affirming programs and providers and to strip
 3 such assistance from women and families in need.

4 **SEC. 4. CLARIFICATION OF ELIGIBILITY OF ALTERNATIVES**
 5 **TO ABORTION PROGRAMS TO RECEIVE TANF**
 6 **FUNDS.**

7 Section 404 of the Social Security Act (42 U.S.C.
 8 604) is amended by adding at the end the following new
 9 subsection:

10 “(1) CLARIFICATION OF ELIGIBILITY OF ALTER-
 11 NATIVES TO ABORTION PROGRAMS.—

12 “(1) IN GENERAL.—A State to which a grant
 13 is made under section 403 may use such grant to
 14 carry out alternatives to abortion programs in fur-
 15 therance of the purpose of this part specified in sec-
 16 tion 401(a).

17 “(2) ALTERNATIVES TO ABORTION PROGRAMS
 18 DEFINED.—In this subsection, the term ‘alternatives
 19 to abortion programs’ means 1 or more programs
 20 that promote childbirth as an alternative to abortion,
 21 through life-affirming social services providers,
 22 which may include, but are not limited, to pregnancy
 23 centers, adoption assistance providers, and maternity
 24 homes. For purposes of the preceding sentence, the
 25 term ‘life-affirming social services providers’ does

1 not include entities that provide, facilitate, counsel
2 in favor of, or refer for, abortions.

3 “(3) PERMITTED SERVICES.—Services provided
4 through alternatives to abortion programs that are
5 carried out with any amount paid to a State under
6 section 403 in furtherance of the purpose of this
7 part specified in section 401(a), and subject to sec-
8 tion 408(a)(6), may include, but are not limited to—

9 “(A) counseling and mentoring on preg-
10 nancy, education, parenting skills, adoption
11 services, life skills, alcohol and drug use, rela-
12 tionships, sexually transmitted infections,
13 abuse, fetal development, nutrition, child care,
14 sexual risk avoidance, and employment readi-
15 ness topics;

16 “(B) care coordination for prenatal,
17 perinatal, and postnatal services, including con-
18 necting participants to health services;

19 “(C) educational materials and information
20 about pregnancy, parenting, sexual risk avoid-
21 ance, and adoption services;

22 “(D) referrals to governmental and social
23 service programs, including child care, transpor-
24 tation, housing, and Federal and State benefit
25 programs;

1 “(E) classes on life skills, personal finance,
 2 parenthood, stress management, job training,
 3 sexual risk avoidance, job readiness, job place-
 4 ment, and educational attainment;

5 “(F) provision of supplies for infant care,
 6 including car seats, cribs, infant diapers, and
 7 formula; and

8 “(G) housing services.”.

9 **SEC. 5. DISCRIMINATION PROHIBITED.**

10 Section 409 of the Social Security Act (42 U.S.C.
 11 609) is amended by adding at the end the following new
 12 subsection:

13 “(e) DISCRIMINATION PROHIBITED.—

14 “(1) FEDERAL GOVERNMENT.—The Federal
 15 Government shall not discriminate against—

16 “(A) a grantee or potential grantee recipi-
 17 ent of funds paid to a State under section 403
 18 or subject them to disparate treatment because
 19 of such grantee or potential grantee’s commit-
 20 ment to offer compassionate support and re-
 21 sources to women facing unexpected pregnancy,
 22 offer of life-affirming alternatives to abortion,
 23 or unwillingness to counsel in favor of, suggest,
 24 recommend, assist, or in any way participate in
 25 the performance of abortions; or

1 “(B) against a State that contracts with
2 such a grantee or potential grantee.

3 “(2) CIVIL ACTION FOR VIOLATIONS.—

4 “(A) IN GENERAL.—A qualified party may,
5 in a civil action, obtain appropriate relief with
6 regard to a violation of paragraph (1).

7 “(B) QUALIFIED PARTY.—The term ‘quali-
8 fied party’ means—

9 “(i) the Attorney General of the
10 United States;

11 “(ii) any attorney general of a State;
12 or

13 “(iii) any person or entity adversely
14 affected by the designated violation.

15 “(C) ADMINISTRATIVE REMEDIES NOT RE-
16 QUIRED.—An action under this paragraph may
17 be commenced, and relief may be granted, with-
18 out regard to whether the party commencing
19 the action has sought or exhausted any avail-
20 able administrative remedies.

21 “(D) NATURE OF RELIEF.—In an action
22 under this paragraph, the court shall grant—

23 “(i) all appropriate relief, including
24 injunctive relief, declaratory relief, and
25 compensatory damages to prevent the oc-

1 currence, continuance, or repetition of the
 2 designated violation and to compensate for
 3 losses resulting from the designated viola-
 4 tion; and

5 “(ii) to a prevailing plaintiff, reason-
 6 able attorneys’ fees and litigation costs.

7 “(E) MONEY DAMAGES.—Relief in an ac-
 8 tion under this paragraph may include money
 9 damages even if the defendant is a govern-
 10 mental entity.

11 “(F) WAIVER OF FEDERAL SOVEREIGN IM-
 12 MUNITY.—

13 “(i) IN GENERAL.—No Federal gov-
 14 ernmental official that commits a des-
 15 ignated violation shall be immune under
 16 the Constitution of the United States, or
 17 any other source of law, from an action
 18 under subparagraph (A).

19 “(ii) WAIVER OF FEDERAL SOV-
 20 EREIGN IMMUNITY.—This clause shall con-
 21 stitute a waiver of Federal sovereign im-
 22 munity with respect to any claim brought
 23 under an action under subparagraph (A).

24 “(3) TERMS DEFINED.—The terms ‘discrimi-
 25 nate against’ and ‘subject to disparate treatment’ in-

1 clude, but are not limited to, any action or policy by
2 the Federal Government, with respect to a grantee
3 or potential grantee described in paragraph (1)(A),
4 that presumes ineligibility or failure to satisfy the
5 purpose of this part set forth in section 401(a), or
6 the imposition of any burden, including any adminis-
7 trative requirement or demonstration of satisfying
8 such purpose, which is not applicable to other grant-
9 ees or potential grantees who are not so described.”.

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