Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—12

Akin
Filner
Gallegly
Granger
Jackson (IL)
Jenkins
Johnson (IL)
Renacci
Ross (AR)
Ryan (WI)
Speier
Sullivan

□ 1406

Messrs. GEORGE MILLER of California, DAVIS of Illinois, and TONKO changed their vote from ''yea'' to ''nay.''

Messrs. GINGREY of Georgia and LABRADOR changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. CARNEY. Mr. Speaker, during rollcall vote No. 587 on Previous Question H. Res. 788, I mistakenly recorded my vote as "yea" when I should have voted "nay."

I ask unanimous consent that my statement appear in the RECORD following rollcall vote No. 587.

Mr. FILNER. Mr. Speaker, on rollcall 587, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. QUAYLE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 182, not voting 14, as follows:

[Roll No. 588]

YEAS—233

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Quayle
Reed
Rehberg
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—182

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wittman
Woolsey
Yarmuth

NOT VOTING—14

Akin
Filner
Gallegly
Granger
Heinrich
Jackson (IL)
Jenkins
Johnson (IL)
Posey
Renacci
Ross (AR)
Ryan (WI)
Speier
Sullivan

□ 1420

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 588, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on Thursday, September 20, 2012 I had a delay on my American Airlines flight 1342 from Chicago to Washington, D.C. due to mechanical difficulties. I missed procedural votes on ordering the Previous Question and the Adoption of the rule for Welfare Work Requirements and Stop the War on Coal.

Had I been present, I would have voted "yea" on the above stated bills.

DISAPPROVING RULE RELATING TO WAIVER AND EXPENDITURE AUTHORITY WITH RESPECT TO THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 788, I call up the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by

the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 788, the joint resolution shall be considered as read.

The text of the joint resolution is as follows:

H.J. RES. 118

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program (issued July 12, 2012, as the Temporary Assistance for Needy Families Information Memorandum Transmittal No. TANF–ACF–IM–2012–03, and printed in the Congressional Record on September 10, 2012, on pages S6047–S6050, along with a letter of opinion from the Government Accountability Office dated September 4, 2012, that the Information Memorandum is a rule under the Congressional Review Act), and such rule shall have no force or effect.

The SPEAKER pro tempore (Mr. SIMPSON). Debate shall not exceed 1 hour, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means, and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce.

The gentleman from Michigan (Mr. CAMP), the gentleman from Michigan (Mr. LEVIN), the gentleman from Minnesota (Mr. KLINE), and the gentleman from California (Mr. GEORGE MILLER) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.J. Res. 118.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.J.Res 188, a resolution to disapprove of the Department of Health and Human Services rule waiving the work requirements in the Temporary Assistance for Needy Families, or TANF, cash welfare program. The requirement that 50 percent of a State's welfare caseload work, or prepare for work, was a central part of the bipartisan 1996 welfare reforms signed into law by President Clinton. Those reforms were overwhelmingly successful in reducing welfare dependency and poverty while increasing work and earnings. Unfortunately, President Obama said that he would have opposed such reforms had he been in Congress at that time. And so on July 12 of this year the Obama administration issued an ''information memorandum'' to waive the welfare work requirements in a blatant end-run around the current Congress.

The administration's action is unlawful on two fronts. First, the welfare work requirements are contained in a section of the Social Security Act, section 407, that may not be waived according to that law. Second, the nonpartisan Government Accountability Office determined that the administration's ''information memorandum'' qualifies as a rule and therefore should have been officially submitted to the Congress for review before being issued. It was not.

Just yesterday, GAO released another report that found that HHS has never before issued any TANF waivers in the history of the program, including involving the TANF work requirements. More importantly, they found that when previous HHS Secretaries were asked about the possibility of waiving work requirements, HHS responded that ''the Department does not have authority to waive any of these provisions.'' That was the conclusion of the Clinton administration, the Bush administration, and at least, to date, the Obama administration.

When it comes to welfare work requirements, I guess we can say President Obama was for them before he was against them. Unfortunately, for the President, the American people do not agree with his original and most recent position on this issue. A recent survey shows that 83 percent support a work requirement as a condition for receiving welfare. And for good reason. The work requirement and other 1996 reforms are responsible for increasing employment of single mothers by 15 percent from 1996 to 2000, and decreasing welfare caseloads by 57 percent over the last decade-and-a-half.

But inexplicably, these results don't sit well with the Obama administration. They refuse to acknowledge their mistake and rescind their memorandum. That's why we've brought this resolution to the floor today.

Mr. Speaker, I urge my colleagues on both sides of the aisle to preserve the successful welfare work requirements and join me in passing this resolution.

I reserve the balance of my time.

Mr. LEVIN. I yield myself 3 minutes.

This bill has one purpose: to provide a fig leaf of credibility for a political attack ad that has no credibility whatsoever. Every independent fact checker has said the attack ad on the President is false. Governor Romney's claim that President Obama is eliminating work requirements for welfare recipients has been called ''a pants on fire'' lie and given four Pinocchios for dishonesty.

□ 1430

The Republican staffer, Ron Haskins, who helped draft the 1996 welfare law says the charge is baseless. I quote:

> The idea that the administration is going to overturn welfare reform is ridiculous.

Here are the facts. Any demonstration project allowed under the guidance announced by HHS would have to be designed to increase the employment of TANF recipients, would be subject to rigorous evaluation, and would be terminated if it failed to meet employment goals.

The whole administration effort is about promoting ''more work, not less,'' as eloquently stated by President Clinton, who led efforts on welfare reform.

The administration heard from State officials that if they're allowed to focus more on outcomes and less on paperwork, they can put more people to work. So HHS said to the States, including Republican Governors who asked for this: Prove it.

We may hear the majority state that HHS does not have the authority to provide waivers, but that's not the conclusion reached by the nonpartisan CRS. In fact, CRS said the current HHS waiver initiative is ''consistent with prior practice.''

And now we've heard Republicans say that TANF waivers have never been provided before now, even when requested. But here's what the GAO said about past requests:

> States were not asking for waivers to test new approaches through experimental, pilot, or demonstration projects, which would be necessary in order to get a waiver under section 1115.

In other words, in the past, States weren't asking for the waivers that HHS is allowed to provide under the law and is now offering.

At the end of the day this debate isn't about process or even policy. It's about politics, pure politics, indeed, impure politics.

This is the same Republican Party that passed their own much broader versions of welfare waivers in 2002, 2003, and 2005.

Let me read to you what the Congressional Research Service said about those bills:

> The legislation would have had the effect of allowing TANF work participation standards to be waived.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield myself an additional 30 seconds.

Guess who voted three times for the waiver of the work participation requirement in TANF? Not only the chairman of Ways and Means, but the chairman of the Budget Committee and Governor Romney's running mate, PAUL RYAN.

We should be debating today issues that matter in terms of action today, a credible jobs plan.

Instead, House Republicans, who are doing nothing on these issues, are doing something totally political, a disservice to this great institution.

I reserve the balance of my time.

Mr. CAMP. I yield myself 30 seconds only because the gentleman referred to me.

I will just say that the issue that he refers to was actually to extend the work requirements to other programs, which actually would have increased the work requirements.

Let me just say, I'm glad my friend brought up the fact checkers, because The Washington Post fact checker calls the Democrats' claims of increasing work ''a stretch,'' stating that it is not clear that ''the net result is that more people on welfare will end up working,'' and actually gave the ''eloquent speech'' by President Clinton my friend referenced two Pinocchios for saying that it would increase work by 20 percent.

At this time I would yield 2 minutes to the distinguished gentleman from Minnesota (Mr. PAULSEN), a Member of the Ways and Means Committee.

Mr. PAULSEN. Mr. Speaker, I rise today in support of H.J. Res. 118. This is a resolution that will protect welfare work requirements from executive overreach, ensuring that welfare recipients must continue to work in order to qualify for benefits.

As acting chairman of the Human Resources Subcommittee, I just want to talk real quickly about how this resolution accomplishes two very simple objectives.

First, the resolution simply affirms congressional authority over welfare programs by invalidating the overreaching HHS rule.

Back in July, HHS unilaterally granted itself the authority to rewrite the work requirements, claiming that they can approve or disapprove work rules at the State level. But that's just not how Congress intended this to work.

Both the nonpartisan Government Accountability Office and the Congressional Research Service agree that this HHS proposal is far more than guidance to States. It constitutes a new rule that must first be submitted to Congress for review before it can take effect.

Secondly, Mr. Speaker, this resolution lets States know where Congress stands on the importance of strong work requirements.

The 1996 welfare reform law, which first created these strong work requirements, was a historic bipartisan achievement. The result was a program that heavily emphasizes engaging welfare recipients in work and pro-work activities. Before the HHS guidance, States knew what the rules were. However, in the wake of this new HHS rule, it's not clear what the rules are now.

HHS seems intent now to simply make up the rules as they go along. That's what an anonymous HHS official told The Washington Post recently, describing how this policy of waiving work requirements was evolving in an ''iterative process.''

The administration's defense that these changes will strengthen the work requirements is not reassuring because it just doesn't make sense. If States want to engage more welfare recipients in work for more hours and with tougher penalties for failing to work, there's nothing that stops them from doing so under current law. They don't need a waiver to apply to do any of that.

Simple logic simply says that the HHS guidance is about weakening, not strengthening, work requirements for welfare recipients.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. PAULSEN. Mr. Speaker, we cannot allow HHS to circumvent Congress and undermine welfare work requirements.

I urge my colleagues to support the resolution.

Mr. LEVIN. I now yield 1½ minutes to the distinguished gentleman from New York, CHARLES RANGEL.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I thank you for allowing me this opportunity to participate in the Republican Presidential campaign, because that's exactly what this is.

I saw a commercial with a white guy with leather gloves on working and sweating, and, oh, God. It looked like America to me except they had something in there about President Obama wanting people who didn't want to work, that all they had to do was ask for a welfare check, and I think it had something like ''I paid for this commercial,'' or something like, ''I'm proud of it.''

This is the first time I've seen a standing committee manipulate itself to give credibility to a guy who just really doesn't know what this business is all about.

I never thought I'd be in the well talking about States' rights, but I do recognize there are different employment needs of people in Alaska and people in Hawaii, people in New York, people in Mississippi. They just don't all have the same job opportunity.

And the whole idea of asking for Governors, Republican and Democrat, to have the flexibility not to fill out forms, but to say, What's working? How are they putting people to work?

But I think the most important thing that we're forgetting is that not having a job and facing your family each and every day is more than not having a paycheck; it is not having self-esteem.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 10 seconds.

Mr. RANGEL. To believe that people who are used to working hard, having dignity, having pride in their kids, just because the candidate for President made another mistake, that we're going to have to now legislate something to show that we think he makes any sense on that issue, it is wrong, and it ain't going nowhere.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. Mr. Speaker, we're here today to head off at the pass President Obama's and the administration's attempt to gut the welfare reform work requirements. Americans don't want something for nothing. Americans want to work. Why? Because it's the American way.

But this issue is bigger than welfare. It's a skirmish in a war over America's future, the direction we're going in.

Now, under this President's watch just here in the last, what, 3½ years, the number of able-bodied adults receiving food stamps has doubled. The Federal debt is up by $5 trillion, spending on welfare up 41 percent. More debt and greater dependency. It's the wrong vision for America.

□ 1440

Now, what's happened here in the last several years—I guess the last 3 years—is opportunity has diminished.

There's a clear choice right now, Mr. Speaker. It's a choice between two futures. We can continue down this path of debt and dependency, or we can choose a different path, and that's one of opportunity and prosperity. So I thank the gentleman for bringing this bill forward because the choice before America is very clear, and we choose opportunity and prosperity for every American.

Mr. LEVIN. I yield myself 15 seconds.

I hope everybody heard that last statement. It shows someone coming down and essentially endorsing, in a broad way, the 47 percent statement, the horribly misguided statement of the Governor of Massachusetts—former Governor.

I now yield 1½ minutes to the very distinguished gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman.

Mr. Speaker, this is a paid political broadcast brought to you by the majority side of the Ways and Means Committee.

I chaired the Democratic Party position in 1996 on welfare reform. I voted for it and supported the work requirement at the behest of President Clinton. The idea was to provide child care, transportation assistance, educational assistance and child support payments, and to balance that with a work requirement. But most importantly, at the request of names like Tommy Thompson and Bill Weld, John Engler and George Pataki, their request was that in the crucible of State opportunity, that they would position themselves with some flexibility to play out the work requirement. We never moved away from the 5-year requirement.

Their suggestion was simply: let us determine how we get to the 5-year requirement through some experimentation.

So what we're doing here today is trying to offer a criticism of the President 6½ weeks before an election based upon misinformation that borders on being malevolent because of the content of what is being attempted here.

Welfare reform worked overwhelmingly, and it worked because it was a compromise in the end, but not to understate the role that Republican Governors played in bringing this issue to that experiment.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the chairman.

I for the life of me don't understand why our friends on the other side of the aisle are defensive about this. This is nothing to defend. This is to say the White House made an error in engaging substantively in downgrading work requirements for welfare. And rather than being defensive about it, say, look, they messed up. Let's not defend them; let's make sure that they don't color outside the lines.

This is not some abstract thing, Mr. Speaker. There are very serious voices that have come out, and they've made this argument that the following things are work and should be included, Mr. Speaker, under the work definitions for welfare, things like: bed rest, personal care activities, massage, exercise, journaling, motivational reading, smoking cessation, weight-loss promotion, participation in parent/teacher meetings, and helping a friend or relative with household tasks or errands.

So there are some folks that are making the argument that if you go help your neighbor rake the lawn, then somehow that's work under the welfare-to-work requirement. This is not some abstract thing. This is not something that the GOP is looking for. This is a sense of clarity that most Americans said, look, we recognize that if people need help, they should get help, but not to be manipulated through absurd definitions that are coming from who knows where—some States with a straight face that actually want to manipulate this to their benefit.

This is an area where everybody should come together. This should pass with a voice vote. This is an admonition to the White House to say: don't do this; do not weaken these work requirements. Instead, make sure that they're fast and solid and that they move people to work. But don't subsidize massage therapy and pump a lot of sunshine and tell hardworking Americans that that's work because it's not.

Let's do the right thing. Let's pass this quickly.

Mr. LEVIN. I yield myself 30 seconds.

Those statements, indeed, are an insult, an insult. That isn't what the administration has in mind. I read a letter from the Governor of Utah to the Secretary of HHS. In discussion with HHS officials, Utah suggested that:

> We be evaluated on the basis of the State's success in placing our customers in employment, while also using a full participation model. This approach would require some flexibility at the State level and the granting of a waiver.

That's what this is about. Don't massage the truth.

I now yield 1½ minutes to the distinguished gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding, and I rise in opposition to this political poppycock.

I've got a real personal interest in this issue in this legislation. When I was in the State senate, I wrote California's welfare reform legislation, and the work requirement was a major part of that. It was a bipartisan effort in California. It was signed by a Republican Governor, Pete Wilson; and today it's still being followed by Democratic Governor Jerry Brown.

Welfare reform has worked. Fifteen years later, the program caseload in California is roughly 60 percent of what it was in 1998—even in the face of this terrible recession that we're looking at today. Waivers were an important part of that, as they are in every State across the Nation. Those waivers allow flexibility to Governors to run Federal programs in the most effective and the most efficient way possible. One size does not fit all, and that's why we have these waivers. In this case, they work because they move more people from welfare to work, and that's what we want.

This bill should be roundly defeated.

Mr. CAMP. At this time, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding, and I rise in strong support of H.J. Res. 118.

The Department of Health and Human Services, in July, essentially stripped many of the provisions of the 1996 Welfare Reform Act in regard to TANF, Temporary Assistance for Needy Families, and they should not do that. They absolutely should not do that.

This resolution, of course, calls for action under the Congressional Review Act—our authority, Mr. Speaker, as Members of Congress to say, no, you cannot do this, HHS, by any kind of executive order, and we are going to challenge it. Because people, sometimes, yes, they do need a little bit of a nudge to get off welfare and onto work; but in the final analysis, these individuals have the pride of having a job. There is nothing that compares to that. And as long as you have that opportunity, I think most individuals—and as I say, some may need a little bit of a nudge—but most people would gladly embrace that opportunity.

So that's what this is all about. We're just simply saying we want to make sure that the provisions—in a very bipartisan way—President Clinton, in agreeing with Congress to have that welfare reform, it was worked out very carefully. We as a Congress will not permit those provisions to be stripped out of welfare to work. So, please, my colleagues on both sides of the aisle, join me in supporting H.J. Res. 118.

Mr. Speaker, I rise today in support of H.J. Res. 118, a bill expressing Congress's disapproval of the administration's waiving of TANF work requirements.

This legislation would utilize the Congressional Review Act to restore the welfare to work requirements of the 1996 welfare reform law that the Department of Health and Human Services unilaterally stripped in July. When President Clinton signed welfare reform into law, he said, "First and foremost, it should be about moving people from welfare to work." Mr. Speaker, the administration has absolutely no justification to waive the reforms required by this bipartisan law.

Welfare to work requirements have proven to lower poverty levels, increase earnings, and reduce government dependence. This legislation will restore the reforms that are an integral part of helping people become independent and self-sufficient.

Mr. Speaker, I urge my colleagues to support H.J. Res. 118 because we cannot allow the Administration to roll back key features of the 1996 reforms.

□ 1450

Mr. LEVIN. I now yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, the resolution before us today is an exercise in hypocrisy.

Mr. Speaker, just a few days ago, before coming down to D.C., we had a commemoration for Monsignor Vincent Puma, who started rehab for drug addicts and for those folks addicted to alcohol. One of his famous statements—he only passed 6 months ago—was: Treat each person with dignity.

With all of this talk and all that you've done, you not only make a political farce out of this—because I've heard a lot of political partisanship, which is not allowed on this floor apparently, supposedly—but you know what you do? You make people, the great majority of people who legitimately—legitimately—are on welfare and have sought a job—and have sought a job—you make them feel less than human.

But Monsignor said treat everybody, every person with dignity, and that's what this is all about.

And for you to put this sham up here in front of us only adds to the disgrace. But only if States show they will use that flexibility to increase workforce. It says it right in the law, quote and unquote.

Never mind that this is a policy that you folks on the other side of the aisle—including Mitt Romney, when he was back in Massachusetts, and our colleague, Congressman RYAN—have asked for.

I will quote the letter written by the Republican Governors Association in 2005, 8 years, at least, after the welfare reform was signed. Here's Governor Romney.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members to direct their remarks to the Chair.

Mr. PASCRELL. We're going to start with me?

The SPEAKER pro tempore. The Chair would remind Members to direct their remarks to the Chair.

Mr. PASCRELL. This is what Governor Romney signed in 2005, Mr. Speaker:

> Increased waiver authority, allowable work activities, availability of partial work credit, and the ability to coordinate State programs are all important aspects of moving recipients from welfare to work.

I didn't say it; you didn't say it; he didn't say it. Governor Romney signed the letter.

The administration's policy has nothing to do with waiving the work requirement. If anything, you're increasing the work requirement, if you read the rules and not conjecture.

This resolution would block Governors across the country from putting more people back to work. How do you like those fish?

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. It's now my pleasure to yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my friend and colleague, the ranking member, for yielding me this time.

With just days to go before the majority adjourns until after the election, there are numerous pressing bills we should be completing, but it seems that nothing will stop my colleagues on the other side of the aisle from the opportunity to spend time criticizing our President with a political stunt bill once again.

I would think that an effort to move at least 20 percent more—that's 20 percent more—people from welfare to work would be applauded by my colleagues on the other side of the aisle. That's right, an increase in employment among TANF recipients under the proposal by the President. But, instead, that bill we're considering today actually stops people from moving towards work.

Now, I know there has been a resistance to passing a jobs bill by this majority, but this is absolutely ridiculous. It's one thing not to have a jobs bill on the floor, but to have a bill on the floor that would actually say ''don't incentivize more people to find work opportunity'' just really is ridiculous.

The truth is my colleagues on the other side of the aisle seem much more interested in attacking the President than in truly working to improve programs and policies, as evidenced by the unfinished work that they are leaving behind.

I hope my colleagues will see through this charade on both sides of the aisle and will all vote ''no'' on this bill so we can get back to work on serious issues and not political gamesmanship.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, could you tell us the time that's left for us?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 2½ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 4 minutes remaining.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. I have no further speakers. I believe I have the right to close. I'm prepared to close when the gentleman is through with his speakers.

Mr. LEVIN. I yield myself the balance of my time.

You know, I think the public should ask why this resolution, why trying to provide some kind of a smokescreen for an ad that has been called a ''pants on fire lie'' and ''four Pinocchio's dishonest,'' why do that? I think the reason is very clear. This is manipulating the truth to try, I think, to appeal to the worst instincts.

I worked with Ron Haskins on welfare reform, and he says this, I quote: ''There is no plausible scenario on which it''—he means this ad—''really constitutes a serious attack on welfare reform.''

He goes on to say, ''the idea''—I repeat this—''that the administration is going to try to overturn welfare reform is ridiculous.''

And then he says, ''Republicans are the ones who talk about giving the States more flexibility. Now, all of a sudden, the States shouldn't get the flexibility because they are going to mess it up? It doesn't make sense.''

But it's worse than nonsense. It's pernicious. The ad is pernicious, and it's beneath the dignity of this House for Republicans in the House who are doing nothing on major issues to do something to try to protect the former Governor of Massachusetts, their candidate for President.

This House deserves much better than becoming a political plaything, a political plaything. It won't happen. Despite this vote, it won't happen.

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself the balance of the time.

When the bipartisan welfare reform bill was passed in 1996 and ultimately signed by President Clinton, the work requirement was a key part of that welfare bill. And the work requirement is this: that at least 50 percent of the caseload has to be engaged in work. And the principle was that, if you're able-bodied, you ought to be working if you're going to be receiving Federal benefits.

Now, the statute named 12 different things that qualify as work. Most of us think of work as going actually to employment, but there are 12 things. And a couple of them, let me just say, such as job search and job readiness actually, under current law, qualify for work. Vocational training and education qualifies for work as long as it doesn't exceed 1 year.

Also put into the statute was a clear statement that the work requirement could not be waived, because changing the paradigm on welfare was absolutely critical. And as I said in my opening statement, it has been important to reducing welfare caseloads, to bringing people to independence, to reducing child poverty. Those were all critical goals that have been met.

Let me read what Dr. Haskins, the Staff Director of the Ways and Means Committee—and I was on the Ways and Means Committee; I helped write the welfare bill; I was on the conference committee—said at that time, in terms of waivers. ''Waivers''—and this is the committee report.

Waivers granted after the date of enactment may not override provisions of the TANF law that concern mandatory work requirements.

That's because this was such an important part of the change that we were trying to bring to welfare. And it's been very successful, some might say the most successful social change that has occurred.

□ 1500

So every administration since then, whether it was the Clinton administration or the Bush administration or even at the beginning of the Obama administration, recognized that work requirements could not be waived. There is plain language in the statute in section 407 that says the work requirement cannot be waived.

Then here comes the Obama administration, through an information memorandum, that now both the GAO and the Congressional Research Service say is really a rule; and I would like to place in the RECORD both the letter of September 4 and the September 12 Congressional Research Service memorandum, both which say that the administration action was a rule.

The full CRS report I am inserting in the RECORD is available online at http://waysandmeans.house.gov/uploadedfiles/evaluating__whether__the__tanf__information__memorandum__is__a__rule__under__the__cra__redacted__5.pdf

Now comes the administration saying, Well, we don't have to go to Congress to change the law. Even though Congress voted on this in a bipartisan way and this was a critical piece of major legislation, we're just going to send in an information memorandum and have unelected bureaucrats change the law of the land.

People who sort of referee things around here, like the GAO and CRS, said, No. Hold it. Stop. This is not an information memorandum. This is a rule.

If an administration wants to promulgate a rule, there are certain criteria that they have to follow. The reason is that unelected people are making law. So, in order to do that, they have to inform the Congress, and they have to do certain things, none of which the administration did. Let me read a piece of this information memorandum:

Projects that test systematically extending the period in which vocational education training or job search-readiness programs count toward participation rates, either generally or for particular subgroups, such as an extended training period.

Under the law I just said, vocational training can only last a year. This information memorandum reads you can be in training for longer than a year. Number one, that is weakening the work requirement. Number two, they did not follow the law by notifying the Congress. They need to go back, and they need to issue a rule.

Frankly, if this is that important to them, come engage the Congress. There has been no consultation. There has not been one staff person from HHS who has come up and had an opportunity to brief any of us on this. I am willing to work with the administration. I'd like to hear their ideas. I'd like to have that opportunity to do so. I think it is regrettable that we've gotten to this point, but we've gotten to this point because there has been a mistake. They made a mistake, and they need to withdraw that.

I urge that we support the resolution. This is too important to have unelected bureaucrats make the law of the land.

I yield back the balance of my time.

GOVERNMENT
ACCOUNTABILITY OFFICE,
Washington, DC, September 4, 2012.

Hon. ORRIN HATCH,
Ranking Member, Committee on Finance, U.S. Senate.
Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, House of Representatives.

By letter of July 31, 2012, you asked whether an Information Memorandum issued by the Department of Health and Human Services (HHS) on July 12, 2012 concerning the Temporary Assistance for Needy Families (TANF) program constitutes a rule for the purposes of the Congressional Review Act (CRA). The CRA is intended to keep Congress informed of the rulemaking activities of federal agencies and provides that before a rule can take effect, the agency must submit the rule to each House of Congress and the Comptroller General. For the reasons discussed below, we conclude that the July 12, 2012 Information Memorandum is a rule under the CRA. Therefore, it must be submitted to Congress and the Comptroller General before taking effect.

BACKGROUND

The Temporary Assistance for Needy Families block grant, administered by the U.S. Department of Health and Human Services, provides federal funding to states for both traditional welfare cash assistance as well as a variety of other benefits and services to meet the needs of low-income families and children. While states have some flexibility in implementing and administering their state TANF programs, there are numerous federal requirements and guidelines that states must meet. For example, under section 402 of the Social Security Act, in order to be eligible to receive TANF funds, a state must submit to HHS a written plan outlining, among other things, how it will implement various aspects of its TANF program. More specifically, under section 402(a)(1)(A)(iii) of the Social Security Act, the written plan must outline how the state will ensure that TANF recipients engage in work activities. Under section 407 of the Social Security Act, states must also ensure that a specified percentage of their TANF recipients engage in work activities as defined by federal law.

In its July 12 Information Memorandum, HHS notified states of HHS' willingness to exercise its waiver authority under section 1115 of the Social Security Act. Under section 1115, HHS has the authority to waive compliance with the requirements of section 402 in the case of experimental, pilot, or demonstration projects which the Secretary determines are likely to assist in promoting the objectives of TANF. In its Information Memorandum, HHS asserted that it has the authority to waive the requirement in section 402(a)(1)(A)(iii) and authorize states to ''test approaches and methods other than those set forth in section 407,'' including definitions of work activities and the calculation of participation rates. HHS informed states that it would use this waiver authority to allow states to test various strategies, policies, and procedures designed to improve employment outcomes for needy families. The Information Memorandum sets forth requirements that must be met for a waiver request to be considered by HHS, including an evaluation plan, a set of performance measures that states will track to monitor ongoing performance and outcomes, and a budget including the costs of program evaluation. In addition, the Information Memorandum provides that states must seek public input on the proposal prior to approval by HHS.

ANALYSIS

The definition of ''rule'' in the CRA incorporates by reference the definition of ''rule'' in the Administrative Procedure Act (APA), with some exceptions. Therefore, our analysis of whether the July 12 Information Memorandum is a rule under the CRA involves determining whether it is rule under the APA and whether it falls within any of the exceptions contained in the CRA. The APA defines a rule as follows:

''[T]he whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing[.]''

This definition of a rule has been said to include ''nearly every statement an agency may make.''

The CRA identifies 3 exceptions from its definition of a rule: (1) any rule of particular applicability; (2) any rule relating to agency management or personnel; or (3) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3).

The definition of a rule under the CRA is very broad. See B–287557, May 14, 2001 (Congress intended that the CRA should be broadly interpreted both as to type and scope of rules covered). The CRA borrows the definition of a rule from 5 U.S.C. 551, as opposed to the more narrow definition of legislative rules requiring notice and comment contained in 5 U.S.C. 553. As a result, agency pronouncements may be rules within the definition of 5 U.S.C. 551, and the CRA, even if they are not subject to notice and comment rulemaking requirements under section 553. See B–316048, April 17, 2008 (the breadth of the term ''rule'' reaches agency pronouncements beyond those that require notice and comment rulemaking) and B287557, cited above. In addition to the plain language of the CRA, the legislative history confirms that it is intended to include within its purview almost all rules that an agency issues and not only those rules that must be promulgated according to the notice and comment requirements in section 553 of the APA. In his floor statement during final consideration of the bill, Representative McIntosh, a principal sponsor of the legislation, emphasized this point:

''Although agency interpretive rules, general statements of policy, guideline documents, and agency policy and procedure manuals may not be subject to the notice and comment provisions of section 553(c) of title 5, United States Code, these types of documents are covered under the congressional review provisions of the new chapter 8 of title 5.

Under section 801(a), covered rules, with very few exceptions, may not go into effect until the relevant agency submits a copy of the rule and an accompanying report to both Houses of Congress. Interpretive rules, general statements of policy, and analogous agency policy guidelines are covered without qualification because they meet the definition of a 'rule' borrowed from section 551 of title 5, and are not excluded from the definition of a rule.''

On its face, the July 12 Information Memorandum falls within the definition of a rule under the APA definition incorporated into the CRA. First, consistent with our prior decisions, we look to the scope of the agency's action to determine whether it is a general statement of policy or an interpretation of law of general applicability. That determination does not require a finding that it has general applicability to the population as a whole; instead, all that is required is that it has general applicability within its intended range. See B–287557, cited above (a record of decision affecting the issues of water flow in two rivers was a general statement of policy with general applicability within its intended range). Applying these principles, we have held that a letter released by the Centers for Medicare and Medicaid Services to state health officials concerning the State Children's Health Insurance Program (SCHIP) was of general applicability because it extended to all states that sought to enroll children with family incomes exceeding 250 percent of the federal poverty level in their SCHIP programs, as well as all states that had already enrolled such children. Similarly, the July 12 Information Memorandum is of general, rather than particular, applicability because it extends to all states administering Temporary Assistance for Needy Families (TANF) programs that seek a waiver for a demonstration project.

Next we must determine whether the action is prospective in nature, that is, whether it is concerned with policy considerations for the future and not with the evaluation of past conduct. In B–316048, we held that the SCHIP letter was intended to clarify and explain the manner in which CMS applies statutory and regulatory requirements to states that wanted to extend coverage under the SCHIP programs. Similarly, the July 12 Information Memorandum is concerned with

authorizing demonstration projects in the future, rather than the evaluation of past or present demonstration projects. Specifically, the Information Memorandum informs states that HHS will use its statutory authority to consider waiver requests, and sets out requirements that waiver requests must meet. Accordingly, it is designed to implement, interpret, or prescribe law or policy.

In addition, the Information Memorandum does not fall within any of the three exclusions for a rule under the CRA. As discussed above, the Information Memorandum applies to all states that administer TANF programs, and therefore is of general applicability, rather than particular applicability. The Information Memorandum applies to the states, and does not relate to agency management or personnel. Finally, the Information Memorandum sets out the criteria by which states may apply for waivers from certain requirements of the TANF program. These criteria affect the obligations of the states, which are non-agency parties.

GAO has consistently emphasized the broad scope of the definition of ''rule'' in the CRA in determining the applicability of the CRA to an agency document. Other documents deemed to be rules include letters, records of decision, booklets, interim guidance, and memoranda. See, for example, B–316048, April 17, 2008 (a letter released by the Centers for Medicare & Medicaid Services of HHS concerning a State Children's Health Insurance Program measure, to ensure that coverage under a state plan does not substitute for coverage under group health plans, described by the agency as a general statement of policy, was a rule) and B–287557, May 14, 2001 (a ''record of decision'' issued by the Fish and Wildlife Service of the Department of the Interior in connection with a federal irrigation project was a rule).

Finally, the cases where we have found that an agency pronouncement was not a rule involved facts that are clearly distinguishable from the July 12 Information Memorandum.

We requested the views of the General Counsel of HHS on whether the July 12 Information Memorandum is a rule for purposes of the CRA by letter dated August 3, 2012. HHS responded on August 31, 2012, stating that the Information Memorandum was issued as a non-binding guidance document, and that HHS contends that guidance documents do not need to be submitted pursuant to the CRA. Furthermore, HHS notes that it informally notified Congress by providing notice to the Majority and Minority staff members of the House Ways and Means Committee and Senate Finance Committee on the day the Information Memorandum was issued.

We cannot agree with HHS's conclusion that guidance documents are not rules for the purposes of the CRA and HHS cites no support for this position. The definition of ''rule'' is expansive and specifically includes documents that implement or interpret law or policy. This is exactly what the HHS Information Memorandum does. It interprets section 402(a) and section 1115 to permit waivers for a demonstration program HHS is initiating. We have held that agency guidance, including guidance characterized as non-binding, constitutes a rule under the CRA. See B–281575, cited above. In addition, the legislative history of the CRA specifically includes guidance documents as an example of an agency pronouncement subject to the CRA. A joint statement for the record by Senators Nickles, Reid, and Stevens, submitted to the Congressional Record upon enactment of the CRA, details four categories of rules covered by the definition in section 551. These categories include formal rulemaking under sections 556 and 557, notice-and-comment rulemaking under section 553, statements of general policy and interpretations of general applicability under section 552, and ''a body of materials that fall within the APA definition of a 'rule' . . . but that meet none of procedural specifications of the first three classes. These include guidance documents and the like.'' Finally, while HHS may have informally notified the cited Congressional committees of the issuance of the Information Memorandum, informal notification does not meet the reporting requirements of the CRA.

CONCLUSION

We find that the July 12 Information Memorandum issued by HHS is a statement of general applicability and future effect, designed to implement, interpret, or prescribe law or policy with regard to TANF. Furthermore, it does not come within any of the exceptions to the definition of rule contained in the CRA. Accordingly, the Information Memorandum is a rule under the Congressional Review Act.

We note that this opinion is limited to the issue of whether the Information Memorandum is a rule under the CRA. We are not expressing an opinion on the applicability of any other legal requirements, including, but not limited to, notice and comment rulemaking requirements under the APA, or whether the Information Memorandum would be a valid exercise or interpretation of statutes or regulations.

Accordingly, given our conclusions above, and in accordance with the provisions of 5 U.S.C. §801(a)(1), the Information Memorandum is subject to the requirement that it be submitted to both Houses of Congress and the Comptroller General before it can take effect.

If you have any questions concerning this opinion, please contact Edda Emmanuelli Perez, Managing Associate General Counsel at (202) 512–2853.

LYNN H. GIBSON,
General Counsel.

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.J. Res. 118, a resolution disapproving the Obama administration's attempt to roll back successful welfare reforms. The resolution we are considering today is quite simple. It preserves bipartisan policies that serve low-income families, and it reins in this latest example of executive overreach by this administration.

In 1996, a Republican Congress worked with a Democratic President to fix a broken welfare system. By promoting work as a central focus of helping individuals achieve self-sufficiency, this bipartisan achievement reduced poverty and strengthened the income security of millions of needy families. The success of the law is a testament to the power of work and personal responsibility as well as what we can achieve when both sides work together in good faith. Unfortunately, the bipartisan spirit of welfare reform has been tarnished by the Obama administration's decision to waive the historic work requirements, ending welfare reform as we know it.

While this action is troubling, it isn't surprising. The President has a track record of weakening work requirements in other Federal programs, including with unemployment benefits and food stamps. The results have been disappointing. A memo by the Congressional Research Service notes the number of able-bodied adults on food stamps doubled—that's right, doubled—after the President suspended the program's work requirement, and now we are supposed to believe a similar experiment will help families on welfare.

This is also not the first time the President has been guilty of executive overreach. The Obama administration has coerced States to adopt its education agenda through conditional waivers, ignoring congressional efforts to reauthorize the law. Now States and schools face more uncertainty than ever about the future of our Nation's education system, and they remain tied to a broken law. Additionally, the President has announced which immigration laws he will and will not enforce, and has installed unconstitutional, nonrecess recess appointments to the National Labor Relations Board.

Despite all of these heavy-handed attempts to advance the President's agenda, 23 million workers are still searching for a full-time job, and 46 million Americans are still living in poverty. Too many of our fellow citizens are unemployed and trapped in poverty, not because of failed welfare policies but because of President Obama's failed leadership. If the President had ideas for enhancing flexibility in welfare policies, he must submit those proposals to Congress and work with us to change the law. He has not done that. Instead, he has chosen to adopt a controversial waiver scheme that rewrites law through executive fiat.

The good news is we have an opportunity today to tell the President: Stop. Stop rewriting Federal law behind closed doors. Stop promoting schemes that undermine personal responsibility and that encourage government dependency. Stop advancing failed policies, and start working with Congress on positive solutions that will grow our economy and great jobs. The American people desperately need and expect as much from their elected leaders.

I urge my colleagues to support H.J. Res. 118 and to take a stand against the President's effort to roll back reforms that continue to lift families out of the poverty.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 4 minutes.

The House meets today to spend time debating a resolution that is on a purely fabricated problem. Rather than focusing on the real problems facing American families, we are, instead, focusing on a resolution of disapproval—a resolution that does not create a single job.

In July, the administration announced a waiver process under the welfare law that would allow Governors to use innovative approaches to move more welfare recipients into employment. Immediately, Washington Republicans claimed the waiver would

gut the welfare reform; but fact checker after fact checker has publicly discredited attempts to characterize the waiver as going soft on work requirements, and we are still waiting for the majority to show us exactly where the administration's waiver proposal eliminates the work requirement.

Even the Republican staff director of the Ways and Means Committee subcommittee at the time of the 1996 welfare reform law says that these claims are false. In fact, the administration has even clarified the rules, writing that no State will get a waiver unless it shows an increase in employment of 20 percent.

Actually, the Republican position here is fairly consistent. They haven't done anything here to create new jobs. They're against welfare recipients getting jobs, and they're against Governors increasing employment opportunities by 20 percent. So I guess we now know, in these last waning days of session, that the Republican Party here is against all jobs. No matter who is standing in line for the jobs, they're against those jobs even though the Republican Governors have petitioned for the right to change the welfare law so they can put more people to work. The administration says you can do that if you put 20 percent more people to work. Imagine putting 20 percent more people to work on the welfare rolls of California or New Jersey or Texas, but the Republicans say no.

The Republican Governors and Democratic Governors asked for this authority in 2002, 2003, and 2005, and the House passed a much broader waiver authority in trying to give the Governors, if you will, State flexibility. That's what they were asking for, but now all of a sudden, in this political year, their candidate is running a little behind, so we see this as an effort to try to attack the President of the United States for doing exactly what the Republican Governors and what the Republicans in Congress have done and have voted on and passed.

As President Clinton says, it takes brass to denounce something that you, yourself, have already supported. The hypocrisy doesn't stop there, but you've got to have a lot of hypocrisy when you're defending a candidate who believes in everything and stands for nothing.

Just weeks before the administration announced its waiver process, the Republican Workforce Investment bill was reported out of my committee. The mantra of the Republicans all through that bill and all through the consideration over the last couple years has been ''State flexibility.'' Well, they accomplished it in this bill. It provides so much State flexibility that the State with an approved unified workforce training plan can, at the State's discretion, eliminate all work requirements from TANF. It passed out of the Education and the Workforce Committee on a partisan vote, with all Republicans supporting that effort to let Governors eliminate all work requirements.

So this debate is a little bit behind the times and is probably not dealing with the serious problem, which is the reauthorization of the Republican Workforce Incentive Act. What a difference a few weeks and a convention make, and here we are using the valuable time of this House before we go to adjournment to carry out a political prank—a manufactured problem, a fabricated problem—based upon fabricated facts. Yet still we don't see ourselves dealing with the questions of middle class tax cuts, and we don't see ourselves dealing with jobs bills that we've been asking for time and again while this Congress has been in session.

□ 1510

It's a sad way to end this session of the Congress of the United States without providing the access to those jobs that this Congress could have been providing throughout this entire year to strengthen the economy. Then again, as the Senate leader has said, they don't want to work with this President. They want him to fail. And for him to fail, that means the American people can't have jobs. That's the goal here.

With that, I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I'm pleased now to yield 2 minutes to a distinguished member of the committee, the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I want to thank the chairman for yielding time.

Mr. Speaker, it is unfortunate that our colleagues across the aisle are attempting to paint Republicans as inconsistent on welfare work requirements to distract from their position in favor of undermining successful welfare reforms. They suggest that the Workforce Investment Improvement Act, WIIA, that I offered with my colleagues, Representatives BUCK MCKEON and JOE HECK, would gut the 1996 TANF work requirements. That is so far from the truth.

WIIA would neither contradict nor supplant the 1996 work requirements. The WIIA legislation allows Governors to reduce the number of redundant taxpayer subsidized employment and job training programs and offer real assistance to the millions of Americans who are unemployed and suffering because of the policies of this administration. WIIA would reduce inefficiencies and have States administer these programs, not undermine welfare reform. Republicans have a clear record of strengthening the work requirements at the heart of the 1996 welfare reform bill, and we have a record of working with a Democrat President to accomplish that reform.

I urge my colleagues to stand with us and with the 83 percent of Americans who want to see welfare's work requirements upheld by voting in favor of this resolution.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I'm sure America has been watching the ads. The ads say that black is white, and they say it over and over and over and over again. And they hope the American people believe that black is white.

But it's not enough for them to say it on ads, now they bring it to this floor in the last 7 hours of the session of Congress before the election. Are we dealing with jobs? No. Are we dealing with violence against women? No. Are we dealing with farmers who are in distress? No. Are we dealing with middle class tax cuts? No. Are we dealing with postal reform as the postal department goes broke? No. What are we doing? We are trying to reaffirm an ad that some people are spending tens of millions of dollars on to misrepresent the facts.

Mr. Speaker, black is not white. I can say it one time, a hundred times, a thousand times: black is black, and white is white. This action the administration has taken is to produce more jobs, more work to get more people back to work. How? To respond to Republican Governors and Democratic Governors who say, I have a better way of doing it. By the way, that's what you proposed when you were in charge and we had President Bush in office on at least the three occasions that the chairman has just mentioned.

White is not black, and black is not white.

Mr. Speaker, the bill before us today exemplifies the do-nothing Republican Congress. Once again, Republicans are choosing to focus on a political message over serious issues like jobs, middle class tax cuts, or the farm bill. Instead, we're here today discussing a Republican bill that misrepresents the facts in an attempt to simply score political points. How sad for the American people.

At issue is the Temporary Assistance for Needy Families program which was created in 1996 when Republicans and Democrats worked together to achieve welfare reform. So you understand on that side of the aisle, I was a Democrat who voted for welfare reform. I was a Democrat who said we ought to expect people to work if they can work. I'm also a Democrat that says we have to help people when through no fault of their own they can't work or have lost work.

The previous speaker talked about how we weren't concerned about jobs. In the Bush administration, 4.4 million jobs were lost in the last 12 months of the Bush administration. Over the last 30 months, we've created 4.6 million jobs. I ask you, who cares about jobs? Who creates jobs? There were, of course, 22 million jobs created in the Clinton administration. We heard a lot of talk about that at our convention. I didn't hear anything about the Bush administration at the Republican convention. George Bush was not there, he was not mentioned, and the record was

certainly hidden. We care about jobs. We care about people getting to work. We also care about helping people. We can do both.

Defeat this bill.

Black is not white, and white is not black.

Mr. KLINE. Mr. Speaker, at this time, I'm pleased to yield 3 minutes to a member of the committee, the subcommittee chair, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Thank you, Mr. Chairman.

There has been 8 percent unemployment for 43 straight months. I think the record speaks for itself.

I come from the great State of Michigan, where a Governor, like a number of others in this great country, now is trying to do everything possible to undermine the malaise that is going on with lack of employment in this country because of the wrong approach to helping people with the dignity of work.

In the eighties and nineties in Michigan, we struggled with high unemployment. We struggled with a welfare system that was putting people really in servitude, and in many cases against their own will and their own desires. They wanted to work.

I still have at my home office copies of leaflets that were handed to people coming from other States to Michigan because it said you can cross the line and immediately get welfare assistance with no work requirements and no residency requirements. We struggled with that.

Then in 1994, under a Republican administration and through the efforts of many of us, we put through what we called ''workfare-edufare reform'' and promoted the dignity of individuals with an opportunity to work. We saw amazing results begin to take place not overnight, but almost. We heard testimonies of people who were formerly on welfare assistance saying, I didn't really think it would work, but I can now say on my own I am paying for my own way and my kids. I have got an education. I have got work now that gives me dignity. And I'm moving forward.

We've continued on with that. And now here, when Governors have asked for some flexibility with TANF—not asking for the removal of work requirements—we're going to do that. Well, I said ''no,'' and I'm glad our committee has said ''no,'' and we've moved forward with this resolution that speaks to the dignity and the value of individuals, but also of the work experience, the educational experience, and training for that.

We don't want to move backwards. We don't want to put further roadblocks in the way of achieving all that America and its dream can be. We don't have to. We can support a resolution like this. We can spur our President, this administration, on to doing the right thing for the right people. That's the American people, people that will work with dignity and achieve things for the future.

This country is great. Let's work together. Let's pass this resolution, H.J. Res. 118.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

□ 1520

Mr. ANDREWS. I thank my friend for yielding. Ladies and gentlemen of the House, this resolution repeals a rule that doesn't exist and ignores some problems that really do exist.

The policy from the Department of Health and Human Services says this: if a Governor thinks he or she has a better way to move people from welfare to work as two Republican Governors have asked for since that time, they can get a waiver from some of the rules in the welfare law if, and only if, they move more people from welfare to work than they otherwise would have done. The bill that the majority did report out of committee abolishes the work requirement.

In fact, the only way to save the work requirement is to let this rule go into effect. That's the illusionary rule they are trying to repeal for the real problems that concern us, though.

If you're a small business person that would like to have a tax cut when you create jobs, the House is ignoring that problem because we're not voting on that bill today. If you're a teacher or a police officer who's been laid off in the last 2 years, the House is ignoring your problem because we're not voting on that bill today.

If you're an engineer or construction worker who would like to go to work building roads or bridges or trains, the House is ignoring your problem because we're not voting on that bill today.

This resolution repeals an imaginary rule at a time of real, acute, and serious problems for the American people. The majority does have a plan to deal with those problems. They're going home for 6½ weeks. The American people shouldn't have to wait for 6½ weeks to solve these problems.

We should vote down this bill, stay on the job and pass jobs legislation that really helps the American people and a farm bill that helps American farmers.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to a member of the committee, the subcommittee chairman of the Health Subcommittee, the gentleman from east Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of H.J. Res. 118. This resolution will express Congress's disapproval of the Obama administration's attempt at weakening bipartisan welfare reform and prevent the administration from implementing their plan to waive the work requirements of the current law.

Sixteen years ago, a Republican-led Congress worked with President Clinton to fix a broken welfare system, a bipartisan law that resulted in the Temporary Assistance for Needy Families block grant. Our ranking member said there is about a 20 percent requirement to increase work, and I think that's a great idea. But how do you define work?

Well, the GAO in 2005 issued a report that said some States counted work as such activities as bed rest, personal care, massage, exercise, journaling, motivational reading, smoking cessation, weight-loss promotion, helping a friend with a household task or running errands.

That makes a mockery of work, and that doesn't pass the laugh test. Independents, Democrats, and Republicans in our area of the country know what work is, and that isn't it.

Since then, since the passage of the law, a number of individuals have dropped off the welfare, a 57 percent decrease. The poverty level among single women dropped by 30 percent while their income and earnings increased. More than 80 percent of the people in this country support work requirements in the welfare reform bill, and this legislation ensures that the hard work of the 104th Congress and President Clinton isn't weakened by the Obama administration.

Let me speak to my friend, Mr. ANDREWS, for just a moment. It's a great idea to hire teachers and firefighters. I've done that as a mayor of a city of 60,000 people. Democrats have it just backwards. What you do is you create a work environment with decreased regulations and decreased government interference where the private sector can go out and create the jobs that create the taxes that pay for all of these services that we want.

That's what we did. It works, and that's a very basic difference in philosophy.

Mr. GEORGE MILLER of California. I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Well, here we are, Mr. Speaker, 24 hours before the majority closes shop and sends us home for 7 weeks, and what are we debating?

Are we talking about creating jobs for families who are struggling to make ends meet and wondering what happened to the American Dream? No, of course not. Instead, we're taking up yet another divisive partisan measure that will do nothing to kick-start the economy or help people who have been kicked in the teeth by this recession.

The Obama administration's TANF waivers promote work. They allow States the flexibility. For example, they allow States to consider education as work, providing education and training, to move people off welfare so that they can find jobs that actually pay a living wage so they can support their families.

Mr. Speaker, I've been on public assistance. I know what it's like. It's a bad, bad feeling. It doesn't make you proud. I did it because I had to, certainly not because I wanted to.

I would wake up in the middle of the night frozen in fear of what would happen if one of my three children, they were 1, 3 and 5 years old, got ill. What if they broke an arm. They were rowdy little kids. What if they grew out of their shoes before I planned to buy new shoes? It was a very scary time.

The day that I went off welfare was the day that I celebrated because I didn't need it. I could stand on my own two feet. But I guess we shouldn't be surprised by this debate. The majority party's current standard bearer has said he believes 47 percent of the American people are essentially—and that would have been me back there with my children—freeloaders and parasites who don't take responsibility for themselves. That's outrageous and it is class warfare.

Denigrating the poor and the middle class is a favorite strategy on the right. It should be creating jobs, but it doesn't seem to be the way they go.

I would like to suggest, Mr. Speaker, that we stop all this tomfoolery and we think about the people in this country. We know we have a job to do, and that job should be done before we leave here.

Mr. KLINE. Mr. Speaker, may I inquire as to how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Minnesota has 5½ minutes remaining, and the gentleman from California has 3½ minutes remaining.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. I thank the chairman. Mr. Speaker, some of our colleagues on the other side of the aisle wish to change the law, and that's fine. They just need to do it navigating this testy little thing we call the Constitution and respect the separation of powers between the various branches.

Mr. Speaker, I want to read the proposed rule to you in part: HHS has the authority to waive compliance with this work requirement and authorize the State to test approaches and methods other than those set forth in section 407, including definitions of work activities and engagement, specify limitations and verification procedures.

Then the next sentence, Mr. Speaker, is essentially this, and I'll paraphrase it; it's by the HHS Secretary: trust us, trust us that we're going to have the right motives when we weigh what Congress has expressly said to do.

To my lawyer friends on the other side, I would ask you this, why do we have something called substantive due process and procedural due process? I'll tell you why, Mr. Speaker. Because the way things are done matters. For my friends who prefer literature, the end does not justify the means.

We have separation of branches under our system of government. Among my many limitations, Mr. Speaker, is an inability to deign the motives of other people. Their motives may be laudatory. I don't know that. I know this. We have a process in this country which must be followed, and this President has repeatedly said if Congress won't do it, I will do it alone.

Mr. Speaker, the answer to that is, no, sir, you will not. In a democracy you will not do it alone, whether it's the NLRB or EPA or most recently HHS with the health care mandate or now with this.

□ 1530

There has been an erosion of Congress' authority and we have ceded it to the executive branch. And I will say this to my colleagues on the other side of the aisle. Mr. Speaker, the sun does not always shine on the same people all the time. There will come a time where there will be a Republican chief executive. So I would be careful about ceding this body's responsibility to the executive branch. And when that time comes, when there is a Republican President, I will stand up for the right of Congress to make the laws and not the executive branch, just as I am now.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is all interesting, except the fact is there's nothing in what the Secretary of Health and Human Services has proposed that's inconsistent with the Republican position over the years, with the Bush administration position over the years, with the Clinton administration position over the years and the Obama administration position over the years, and that is that when they passed historic welfare reform there would be an authority in there so, as the Governors lived with this over time, they could make adjustments. And that's why we keep reciting to the various instances when Governors have asked for this—29 Governors of both parties, a couple of Republican Governors recently—asking for this authority, because they thought they had a better way to put it to work.

It's rather interesting today that one of the questions is whether or not we would extend the education time so people can get the proper credentials, the proper training for a job. Many people have been unemployed now for a couple of years from a job that may not be coming back and the skills they have need to either be updated or they have to learn new skills to get the job that's available in their locality or maybe a ways down the road.

It's also interesting that the Business Roundtable is in Washington this week talking about this exact problem: How do we develop those new skills because of the skills mismatch that exists in this country today for hundreds of thousands of jobs that are available, but apparently the skills are not there?

Now, I wonder if that skills training so that that person can get a job in a good industry and a good job, what if that takes 13 months as opposed to 12 months or what if it takes 8 months instead of 6 months? Why don't we live with the Governors having the flexibility if they believe that's the economic plan for their arrangement?

We see consortiums now, because of the Higher Ed Act, coming together—community colleges, State universities, manufacturing consortiums, employer consortiums—developing the programs to develop the skills for the American workforce. And some of that is inconsistent with the requirements under this law, and that's why Governors who want to move to the future came and asked for that relief. And that waiver authority exists in the Social Security Act. That waiver authority is explicitly for this purpose.

But in the name of politics, we're going to deny those States that are struggling, those Governors that are struggling, with the ability to do this. And under the rules, as the memorandum has suggested, they would have to show a very substantial increase in moving people from welfare to work. Supposedly, that's the goal of everybody who's a Member of this body, but politics is has overwhelmed that.

If you had these concerns, we could have fixed it and moved on with getting people off of welfare to work. But we will leave here with some kind of political statement, a hollow political victory that means nothing except that those people will still be waiting to get off of welfare and go to work. The Governors will still be waiting to implement the program to get them off of welfare and go to work. And the Congress will go home.

In the face of the desperate need of these people to acquire these skills to improve their talents, to provide for these families, to feed their kids, to educate them, to provide for health care, the Congress will go home. It won't give the Governors this authority because it'll look bad for their Presidential candidate. They won't give the Governors this authority because they can score a point here. Those Governors weren't trying to score a point. They were trying to score some jobs. They were trying to score some jobs for their citizens.

But political games are going to win out here because the clock is running out on this Congress. So we could have helped those Governors. You could have tweaked this so you could have said you change from what President Obama wanted, and we could have gone on and people could have had opportunity in America. You keep saying you're for it, you just don't get around to providing it.

I yield back the balance of my time.

Mr. KLINE. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. KLINE. I have got a number of issues to address here. We've heard so much in a relatively short period of time here.

We heard from some of our colleagues that we haven't brought a jobs

bill. My colleagues on both sides of the aisle know very well that we have brought many jobs bills. In fact, over 30 of them have passed this House—most of them in a bipartisan way—and are sitting in the Senate. We just don't happen to believe that trillions more of borrowed money to jump-start the economy is a jobs bill. That's been proven to fail. This, in fact, is a jobs bill because we want people on welfare to get to work.

And so we've heard that, no, this information memorandum, which has been now correctly determined to be a rule—an information memorandum designed to bypass Congress—will in fact weaken the work requirements. And so how do we draw that conclusion? From a number of things.

One, we're very concerned about the definition of ''work.'' We've heard the number, 20 percent increase. It actually means instead of 1.5 percent of people leaving with a ''job'' that we still haven't quite defined, apparently, we'd have 1.8 percent. Not an overwhelming number. And then we have the nonpartisan, ever-present Congressional Budget Office that has joined us with this opinion. Under the memorandum:

CBO expects the penalties for States that don't meet the work requirements specified in the Social Security Act would be reduced.

It sounds like waiving work requirements to me. And they go on:

Thus, CBO estimates that enacting Resolution 118 would reduce direct spending by $59 million over the 2012–2022 period, as some States would pay increased penalties to the Federal Government for failing to meet the work requirements.

The work requirements in section 407, which the Congress explicitly said may not be waived.

And we heard from the other side that Republicans in the committee, including the chairman, voted for the Workforce Investment Improvement Act, which waives all work requirements. We disagree with that. We disagree with that. Even the CRS concedes that the purpose of the provision in that bill is to reduce administrative inefficiencies, not to gut welfare reform.

But we have some disagreement. It could be controversial. In an open system, an open process, we can address that question when it comes to the floor of the House; and if there is confusion, we can make it crystal clear that we do not want to waive work requirements that have been so important to the success of welfare reform. We're here today because the President decided he would exercise power he does not have in order to waive welfare work requirements Congress has said must not be waived.

I urge my colleagues to join me in support of this important piece of legislation, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, is it possible that I missed some fundamental shift in philosophy during the Republican Convention last month? I thought my Republican colleagues actually favored states' rights and empowering our governors. I thought my Republican colleagues wanted to eliminate ''job killing'' government regulations. I thought my Republicans colleagues were focused on the economy and putting people back to work.

Well, the Obama Administration's proposal to grant waivers to states under the Temporary Assistance for Needy Families program would do those very things. It will reduce some of the more burdensome regulations associated with TANF, it will provide states with the flexibility they have been seeking to pursue more innovative strategies, and it will set a standard requiring participating states to move 20% MORE people from welfare to work.

That sounds like a JOBS bill to me . . . and a bipartisan one no less. Republican governors from Utah and Nevada recently requested these waivers, and 29 Republican Governors, including Governor Romney, have sought this kind of flexibility in the past. If that weren't enough, some of my Republican colleagues even voted to grant similar waivers when they were proposed by fellow Republicans in 2002, 2003 and 2005.

So why then are my Republican colleagues not supporting this common-sense, bipartisan proposal? Because it undermines their election-year narrative for attacking the President—a narrative on this very issue that multiple fact checkers have labeled as bogus.

This resolution of disapproval is nothing more than an exercise in crass political cynicism. If my Republican colleagues were serious about helping the economy, we'd be celebrating this as a bipartisan accomplishment that will put more people back to work. Instead they will vote against their own principles just to deny this President any semblance of a victory . . . even if it means keeping people out of work. You know, I had a friend who once said, ''If you're going to be a phony, at least be sincere about it.'' No wonder the American people view this Republican Congress with such disdain. I urge my colleague to reject this resolution.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong opposition of H.J. Res. 118. This resolution expresses opposition to a condition that does not exist. Republicans, led by their presidential nominee, have been spreading the falsehood that the Obama administration has weakened the work requirement of the Welfare Reform Act of 1996, one of the landmark achievements of the Clinton administration. The claim is false, and has been conclusively refuted by the foremost authority on welfare reform, former President Bill Clinton himself.

Here is what really happened. When some Republican governors asked for waivers to try new ways to put people on welfare back to work, the Obama administration listened. The administration agreed to give waivers to those governors and others only if they had a credible plan to increase employment by 20 percent, and they could keep the waivers only if they did increase employment. As noted by President Clinton, the waivers actually ''ask for more work, not less.''

The claim that the administration weakened welfare reform's work requirement is just not true. This is simply a political stunt for the fall campaign that wastes precious time that could be spent working together on solutions for the real problems confronting American families like creating jobs and strengthening the economy.

Mr. Speaker, it seems to me that H.J. Res. 118 is purely a messaging bill and not a bill for the American people. This is an effort to distract Americans from the Republicans' dismal job record. Republicans should be passing the administration jobs package, middle class tax cuts, and a comprehensive deficit deal to stop sequestration instead of engaging in this election-year maneuvering as they leave town. This bill is a waste of time and shouldn't have been introduced on the floor. I strongly oppose H.J. Res. 118 and urge my colleagues to do so as well.

Mr. DINGELL. Mr. Speaker, I rise today in strong opposition to the resolution of disapproval before us today. Yet again, the House is wasting valuable time considering a resolution that is not about good policy, or helping Americans get back to work, but about political games and rhetoric driven by half-truths.

In July of this year, the U.S. Department of Health and Human Services (HHS) issued a memo outlining a program for the consideration of state proposals for alternative job placement performance measures for Temporary Assistance for Needy Families (TANF) recipients. This was in direct response to the requests from at least 29 states who wanted more flexibility on how they measured work participation among recipients. Many of these states requested a waiver so they could focus on more outcome-based measures, rather than job placement rates. The memo released by HHS outlines the conditions that must be met by a state to receive a waiver: a clear and detailed explanation of how the alternative proposal would increase employment by 20 percent, as well as show that there are clear, measurable goals for work placement.

However, my Republican colleagues would have you believe that the administration is gutting the work requirements under TANF. Not so. It should be obvious to any honest man who is not blind that this proposal does not waive the work requirements. In fact, it is the administration's effort to test more effective strategies for moving families from welfare to work while giving the states the flexibility to test which strategies they think will work best for their residents. As President Clinton said, ''The requirement was for more work, not less.''

We hear on the floor of this body, day in and day out, about how onerous federal reporting requirements are to the states, and how federal reporting requirements do not account for the unique needs of each of our states. Yet here the administration is directly responding to this request for flexibility and my colleagues run to the floor waving around a dead-on-arrival resolution of disapproval. In my experience, when the administration has heard your complaints and takes the steps necessary to address these complaints you claim victory.

As our economy has struggled so have American families. Many of these families have ended up on TANF through no fault of their own. These families are not looking for a hand-out from the federal government; they want a hand-up. The proposal put forth by HHS will help the states provide these families with a hand-up, while still retaining the integrity of welfare-to-work requirements under TANF.

I urge my colleagues to reject this baseless and nakedly political resolution. Let's do the business of the American people in an honest, thoughtful, and proper way. I would remind my Republican colleagues that you are entitled to your own opinion, but you are not entitled to your own facts. The facts are that the administration's proposal would increase work requirements and increase the ability of Americans to get back to work. And here my Republican colleagues are irresponsibly attempting to block that action. Shame.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 788, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of House Joint Resolution 118 will be postponed.

Pursuant to clause 1(c) of rule XIX, further consideration of the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program, will now resume.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1540

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

STEM JOBS ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''STEM Jobs Act of 2012''.

SEC. 2. IMMIGRANT VISAS FOR CERTAIN ADVANCED STEM GRADUATES.

(a) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(2)) is amended by adding at the end the following:

''(D)(i) In addition to the increase provided under subparagraph (C), the number computed under this paragraph for fiscal year 2013 and subsequent fiscal years shall be further increased by the number specified in clause (ii), to be used in accordance with paragraphs (6) and (7) of section 203(b), except that—

''(I) immigrant visa numbers made available under this subparagraph but not required for the classes specified in paragraphs (6) and (7) of section 203(b) shall not be counted for purposes of subsection (c)(3)(C); and

''(II) for purposes of paragraphs (1) through (5) of section 203(b), the increase under this subparagraph shall not be counted for purposes of computing any percentage of the worldwide level under this subsection.

''(ii) The number specified in this clause is 55,000, reduced for any fiscal year by the number by which the number of visas under section 201(e) would have been reduced in that year pursuant to section 203(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1151 note) if section 201(e) had not been repealed by section 3 of the STEM Jobs Act of 2012.

''(iii) Immigrant visa numbers made available under this subparagraph for fiscal year 2013, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only to the extent to which the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2013 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) was less than the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2013 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2013.

''(iv) Immigrant visa numbers made available under this subparagraph for fiscal year 2014, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) during such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only to the extent to which the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2014 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) was less than the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2014 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2014.''.

(b) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202(a)(5)(A) of such Act (8 U.S.C. 1152(a)(5)(A)) is amended by striking ''or (5)'' and inserting ''(5), (6), or (7)''.

(c) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of such Act (8 U.S.C. 1153(b)) is amended—

(1) by redesignating paragraph (6) as paragraph (8); and

(2) by inserting after paragraph (5) the following:

''(6) ALIENS HOLDING DOCTORATE DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

''(A) IN GENERAL.—Visas shall be made available, in a number not to exceed the number specified in section 201(d)(2)(D)(ii), to qualified immigrants who—

''(i) hold a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education;

''(ii) agree to work for a total of not less than 5 years in the aggregate for the petitioning employer or in the United States in a field of science, technology, engineering, or mathematics upon being lawfully admitted for permanent residence; and

''(iii) have taken all doctoral courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States.

''(B) DEFINITIONS.—For purposes of this paragraph, paragraph (7), and sections 101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

''(i) The term 'distance education' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(ii) The term 'field of science, technology, engineering, or mathematics' means a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, mathematics and statistics, and physical sciences.

''(iii) The term 'United States doctoral institution of higher education' means an institution that—

''(I) is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or is a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b)));

''(II) was classified by the Carnegie Foundation for the Advancement of Teaching on January 1, 2012, as a doctorate-granting university with a very high or high level of research activity or classified by the National Science Foundation after the date of enactment of this paragraph, pursuant to an application by the institution, as having equivalent research activity to those institutions that had been classified by the Carnegie Foundation as being doctorate-granting universities with a very high or high level of research activity;

''(III) has been in existence for at least 10 years;

''(IV) does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any recruitment or admission activities for nonimmigrant students or in making decisions regarding the award of student financial assistance to nonimmigrant students; and