

serves ZIP Code 77022 in Houston, Texas, on April 30.

This post office is highly valued in our district and has served residents of the Northside area in Houston for 50 years. The Postal Service announced that the Irvington office would be demolished, despite the fact that the agency has failed to ensure that local residents will still have access to essential mail services.

The Irvington office's lease is expiring, and instead of finding a new location nearby or moving retail operations into the Northline Commons area as a compromise, the Postal Service has chosen to close the office. I contacted and met with postal officials without success.

Moving forward with the closure is irresponsible and undermines the integrity of the agency. The people living in and around the 77022 ZIP Code will not have the same access to postal services as everyone else.

I understand the Postal Service's budget constraints and support reforming the agency. However, maintaining a presence in the area makes smart business sense for the Postal Service and fulfills a need in this revitalized community. The post office is losing customers and friends in this effort.

THE REPUBLICAN BUDGET

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Yesterday, Mr. Speaker, the House Republicans and Congressman RYAN released their budget, which, unfortunately, once again seeks to balance the budget on the backs of seniors, the middle class, and the most vulnerable among us. The GOP budget presents the same failed policies that Americans rejected last fall.

This budget is full of false realities, fuzzy math, and the wrong priorities. Instead of closing the corporate jet loophole, the Republican budget ends Medicare as we know it, turning health care for seniors into a voucher program. Instead of ending billions in tax subsidies for Big Oil, the Republican budget slashes Medicaid for the most vulnerable among us, turning it into a block grant program. And instead of asking the wealthiest among us to pay their fair share, it wants to kick millions of people off health care plans by repealing the Affordable Care Act—well, actually, repealing the parts of the Affordable Care Act that provide care for people but somehow preserving the cost savings and the revenues that it delivers.

Instead of targeting the most vulnerable communities and placing the burden entirely on the middle class, Republicans should work with Democrats to put in place a balanced and bipartisan budget that puts Americans back to work.

SEQUESTRATION AND MILITARY PERSONNEL

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, I rise today to bring light to one of the many overlooked effects of sequestration. I just came from a Military Personnel hearing where the Services had an opportunity to speak frankly about how these cuts will affect them. Some of the worst impacts will come as a result of civilian furloughs.

Fifty-two percent of military behavioral health specialists are civilians, and those civilians will be furloughed, as will 62 of the specialists who work for the Marine Corps' Wounded Warrior unit. These specialists provide a vital service to our injured servicemembers. So how can Congress continue to treat the work of these and other Federal employees in what is perceived as a very callous manner?

Mr. Speaker, we have asked our men and women in uniform to sacrifice so much. How can we possibly ask them to sacrifice even more? We must come together to solve sequestration before these devastating cuts become irreversible.

125TH ANNIVERSARY FOR THE CITY OF ORANGE

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on April 6, the city of Orange, California, will celebrate its 125th anniversary. As the third oldest city in Orange County, the city of Orange is a big city but with a small town feel.

Orange is home to notable attractions like the Plaza at Orange, the Outlets at Orange, the UCI Medical Center, the Children's Hospital of Orange County, and my alma mater, Chapman University.

This milestone will be celebrated in Old Towne Orange, and it will commemorate the families, the residents, and the businesses that have made the city what it is today.

Congratulations to the city and residents of Orange on this incredible occasion. I am proud to represent the city of Orange and the 46th Congressional District of California. Happy 125th anniversary, city of Orange.

TANF AUTHORIZATION

(Mr. TAKANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAKANO. Mr. Speaker, Republicans say the darnedest things. I'd like to read a statement from a 2005 letter from the Republican Governors Association outlining its priorities for TANF reauthorization:

As Governors, we believe the following provisions . . . are integral to State programs and support their inclusion and protection as the bill moves forward through regular order.

The [2005] Senate bill provides States with the flexibility to manage their TANF programs. . . . Increased waiver authority . . . and the ability to coordinate State programs are all important aspects of moving recipients from welfare to work.

The letter was signed by Mitt Romney, Jeb Bush, Mike Huckabee, Mitch Daniels, Rick Perry, and many more.

Mr. Speaker, today, the House debates banning the very waivers that Republican leaders from across the country have already expressed their support for. Mr. Speaker, I urge my Republican colleagues to listen to Republican Governors and allow States to find new and creative models to move people from welfare to work.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. FORTENBERRY) laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 13, 2013.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 13, 2013 at 10:41 a.m.:

Appointments: Senate National Security Working Group.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF H.R. 890, PRESERVING THE WELFARE WORK REQUIREMENT AND TANF EXTENSION ACT OF 2013

Mr. COLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 107 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 107

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 890) to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-3 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for 1 hour.

Mr. COLE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Worcester (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. COLE. Mr. Speaker, on Tuesday, the Rules Committee met and reported a closed rule for consideration of H.R. 890, the Preserving Work Requirements for Welfare Programs Act of 2013.

□ 1220

The rule provides for 1 hour of debate equally divided between the chairman and the ranking member of the Committee on Ways and Means. In addition, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

It was not the intention of the Rules Committee, Mr. Speaker, to have a closed rule. However, the committee received only four amendments, one of which was withdrawn. The remaining three amendments were all subject to points of order for germaneness and other violations of the rules of the House. Unfortunately, we are left with little choice but to propose a closed rule.

Mr. Speaker, H.R. 890 would prohibit the Secretary of Health and Human Services from issuing waivers relating to compliance with the work requirements for welfare recipients, which were created under the historic 1996 welfare reform law. These work requirements have led to more work, more earning, less welfare dependence, and less poverty among low-income Americans.

Additionally, H.R. 890 incorporates the text of H.R. 987. H.R. 987 extends the Temporary Assistance for Needy Families programs, also known as TANF, which is due to expire on March 27, through the end of 2013.

Mr. Speaker, the Welfare and Medicaid Reform Act of 1996 made historic changes in the way our country treats its most impoverished citizens. Generally, the reforms offered States new flexibility in designing welfare programs. However, in exchange for that flexibility, strong new Federal work requirements were put in place. These requirements specified the minimum number of hours per week an individual must engage in either work or work-related activities and penalties for failure to comply.

What were the results of the 1996 reforms? Well, let me just go over a few.

America saw the greatest reduction in poverty among children since the 1960s. The employment rate for single mothers in 2010 is higher than it was in 1996, even though the unemployment rate itself has almost doubled during that period of time. Poverty among single mothers has fallen by 30 percent. The list of successes associated with the law, which I must stress was bipartisan and worked upon by both parties both in this Chamber and obviously by President Clinton, goes on and on.

In addition, Mr. Speaker, the Welfare Reform Act specifically prohibited waivers of the new TANF work requirements. Under both Republican and Democratic administrations, it's been assumed that these requirements could not be waived. However, the current administration, through a so-called "informational memorandum"—I'm frankly not quite sure what that is—has decided it does have the authority to waive these work requirements.

Mr. Speaker, the bipartisan compromise that was drafted in 1996 has done a good job in reducing poverty in this country and improving the lives and the prospects of those mired in very difficult circumstances. We should not allow the administration to undo, by an informational memorandum, what the Congress and Presidents in the past have been able to accomplish by statute.

Mr. Speaker, this is a good bill and a good rule. I urge the support of the rule and the underlying legislation, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. COLE) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. First of all, Mr. Speaker, I would tell my colleagues that this is not a good rule. It is a closed rule, and there's no need for it.

This prevents Members of the House of both parties from coming to the floor with ideas or ways to amend this legislation. Because of the rule, they're prevented from doing so. I think that is an unfortunate fact. We should have deliberation on this House floor. Given the fact that we're not doing much of anything, we certainly have the time to deliberate, and I would hope that in the future that we would see more flexibility on the rules and less closed rules. So I urge my colleagues to vote against the rule because of that.

Mr. Speaker, once again the Republican majority in the House is proving that they never let facts get in the way of a good press release.

Today's bill takes a sensible, bipartisan piece of legislation and tacks on a partisan political ploy that was used in the last Congress to try to embarrass President Obama.

Instead of bringing a simple, clean extension of the Temporary Assistance for Needy Families program, the Re-

publican majority is continuing a political attack from the last election. And like many of the other political attacks lobbed against President Obama in that campaign, this attack is simply untrue and destined for failure.

Over the last 2 years, members of the majority have charged that actions taken by the Department of Health and Human Services to improve the efficiency and effectiveness of the TANF program are an attempt to "let people sit at home and collect welfare checks."

Such charges have been declared false by numerous fact check organizations, including Factcheck.org, PolitiFact, and The Fact Checker at The Washington Post.

Furthermore, Ron Haskins, the former Republican staff director of the Ways and Means Human Resources Subcommittee and one of the chief architects of the 1996 welfare reform law, said the reforms similar to the ones being made by HHS are justified. And he added:

I do not think it ends welfare reform or strongly undermines welfare reform. Each State has to say what they will do and how that reform will either increase employment or lead to better employment.

That's Ron Haskins, the former Republican staff director of the Ways and Means Human Resources Subcommittee.

Mr. Speaker, the merits of the changes implemented by HHS strengthen Federal efforts to move Americans from welfare to work. In allowing States the flexibility from rigid TANF requirements, the administration requires that any changes provide a more efficient or effective means to promote employment. In explaining the policy changes, HHS Secretary Sebelius stated:

Governors must commit that their proposals will move at least 20 percent more people from welfare to work compared to the State's past performance.

Under such requirements, it is impossible to assert that these changes will weaken the Federal efforts to move citizens from welfare to work. In fact, in looking at the actual rules even briefly, it is clear that these changes strengthen our Federal efforts by allowing for more effective and more efficient programs by giving them room to operate at the State level.

Mr. Speaker, it may be surprising to some watching today's proceedings that the majority disapproves of the administration's programmatic changes. The underlying principle of the changes is the belief that States should have flexibility to implement proven and effective methods for moving Americans from welfare to work.

Yet today, a Republican majority that often boasts of its commitment to States' rights now stands in fierce opposition to that very principle. They find themselves demanding that even when more effective methods for putting Americans to work are available, Federal standards dictated from Washington must rule the day.

And the real irony in their argument against the administration's action is that the request for flexibility came from a Governor, a Republican Governor. And it was not just a Republican Governor from a blue State like New Jersey or a purple State like Virginia. No, Mr. Speaker, the Governor of Utah—one of the reddest States in the Nation—is the one that has requested this waiver.

I've seen some interesting legislative jujitsu on this House floor. One day they're adhering to the Hastert rule, and the next day the Boehner rule applies. This Republican majority legislates by lurching from one issue to another issue trying to find something that works.

So I can't say that I'm surprised that they're declaring themselves against increasing work requirements for TANF recipients as requested by a Republican Governor. The only thing I can chalk it up to is politics. You'd think that at some point the Republican majority would rather legislate instead of fighting a political battle that was decided 4 months ago, a political battle that they lost badly. Sadly, that day is not today.

If this majority were truly serious about work and employment, about actually reducing the number of people on TANF, then we would be voting on a bill to repeal the sequester and we would be voting on a bill to save the 750,000 jobs that will be lost this year because of these arbitrary, mindless, senseless, and thoughtless cuts.

The reauthorization of TANF in and of itself is not controversial. We can move that bill on suspension. What appears to be controversial to this Republican leadership is putting people back to work. What appears to be controversial to this Republican leadership is saving our economy from the devastating sequester cuts. What appears to be controversial to this Republican leadership is responsible governing.

In contrast, Mr. Speaker, House Democrats have a plan that House Republicans block time after time after time to avoid sequester.

Congressman VAN HOLLEN has a balanced sequester replacement, one that will get rid of the arbitrary cuts and replace them with a balanced mix of cuts and revenues, revenues that come from closing tax loopholes that even Republicans like Mitt Romney thought we should eliminate.

Congressman VAN HOLLEN has come to the Rules Committee four times this year alone in the hope that this Republican leadership, the ones who promised an open House and an open legislative process, would make his amendment in order. And four times now, the Republican leadership in this House has refused to make that amendment in order.

□ 1230

Why, Mr. Speaker? Why? Why not allow the Van Hollen sequester replacement bill to come to the floor for a

vote? Didn't Speaker BOEHNER promise a more open House? Didn't he say that the House should work its will?

Mr. Speaker, this is not a way to run a democracy. This is not an open and fair process.

That's because this Republican leadership is not about openness. They're not about legislating responsibly. They're about desperate attempts to score cheap political points. That's what they're doing with the sequester. And that's what they're doing with this TANF reauthorization—something that should be totally noncontroversial, something that should be approved with an overwhelming bipartisan vote.

Mr. Speaker, we should defeat this closed rule, an unnecessarily closed rule, and defeat this bill. It is time we put partisan politics aside, at least until the next election season begins, and start working for the American people.

With that, I reserve the balance of my time.

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

It was once famously observed that the inhabitants of the United Kingdom and the United States were two people divided by the same language. Evidently, that applies to the people of Massachusetts and the people of Oklahoma.

I want to thank my good friend, who kindly sent me a note. I had mentioned if you're from Oklahoma, we would say he's from Worcester, but he said it's "Worcest-ah." So I want to get that right, and I want to thank my friend for correcting me. That's probably the only place my friend and I will agree, and I'll agree that it was appropriate to correct me.

Let me just make a couple of simple responses to what my friend had to say. I don't want to re-debate sequester. He and I had an opportunity to do that in the context of the continuing resolution last week. But the idea that that was somehow partisan, when over 50 of my friends' colleagues voted for it on final passage, strikes me as odd. It was, actually, quite bipartisan, and we began a process in that that is going to result in saving the American people \$1.2 trillion.

We think we made initial steps in improving the bill. It appears to us as if that same process is working now on the other side of the rotunda amongst our friends in the Senate, and so we're working our way towards a responsible piece of legislation, operating through regular order and trying to find common ground.

We're not happy with the sequester. We tried to fix it a couple of times, as my friend recalls. Neither the Senate nor the President ever took us up on that offer, so we worked hard. Now we found another route. Perhaps we can keep working and find some common ground in some other areas.

As to this bill itself, let's just go back to the specifics. All we're doing is

making sure that the work requirement stays in place. I'll make a rather bold prediction and say after the rule vote is over, probably a lot of Democrats will vote for that legislation.

They'll vote for it for two reasons:

First, it reauthorizes TANF, which is a good thing. We agree on that. It's a good piece of legislation. And certainly we should provide the neediest of our people certainty through the end of the fiscal year, as opposed to the end of March. So I think that's an effort by both sides to do the right thing.

But second, if there's a misunderstanding here and we misinterpreted the administration, fair enough. I don't think we did, but regardless, let's just make absolutely sure and pass this legislation. If we both agree on it, it shouldn't be a point of a great deal of contention.

And with that, Mr. Speaker, I reserve the balance of my time.

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

First of all, I want to thank my friend, the gentleman from Oklahoma, for his improved pronunciation. I appreciate that. And I also appreciate the spirit of bipartisanship that he has displayed on a number of issues, most recently on the Violence Against Women Act.

I kind of wish that that same spirit was brought to this bill here today, this TANF bill, because it would pass overwhelmingly.

Just so that there's no confusion about what HHS is trying to do, I would like to insert into the RECORD a letter that Kathleen Sebelius, the Secretary of Health and Human Services, sent to the Honorable DAVE CAMP, the chairman of the Committee on Ways and Means, which explains how the administration views this flexibility that they might at some point utilize. But basically it is not to weaken the work requirement; it is to support States that have better ideas to improve the results to get more people to work.

The other thing, Mr. Speaker, I would say is that, again, it's ironic that my friends on the other side have kind of chosen to put a little bit of politics into this debate given the fact that a Republican Governor from a red State, Utah, suggests to the administration that he might have a better idea on how his State might get better results in putting more people to work, getting people off of public assistance and into the workforce.

I think that's a good thing. I think what all of us believe is whatever it takes to get more people into the workforce is a good thing.

I would also say to my friend—he mentioned that the Republicans have had proposals to deal with the sequester. Not in this session they haven't. Not a single time in this current Congress have my Republican friends brought an alternative to the floor to avoid sequester—these arbitrary, mindless, senseless cuts that go across the board.

If you had a line item in the budget that said “fraud, waste, and abuse,” under the sequester that would be treated the same way as a line item for medical research or for education or for transportation and infrastructure. This is not a way to deal with our budgetary challenges.

The reason why I bring up sequester today is because I wish there were a greater sense of urgency in this House of Representatives to deal with it. We’re all talking about welfare-to-work right now. But by allowing the sequester to continue to go into place, CBO tells us that we’re going to risk 750,000 jobs; 750,000 of our fellow citizens will be out of work because of the inaction of this Congress.

I find that unacceptable. We ought to be preserving jobs, we ought to be expanding jobs, we ought to be doing everything we can to get people back to work because that’s the surest way to reduce our deficit. The more people working, the more revenues, the more we can pay down our deficit.

We should be talking about trying to get our budgetary House in order without diminishing the quality of life and the standard of living for people in this country.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, July 18, 2012.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your interest in the guidance we have released to states concerning the Temporary Assistance for Needy Families (TANF) program.

The 1996 welfare reform legislation established work requirements which have been critical to moving people off welfare and into jobs. The proposal we have outlined strengthens the law’s purpose to move people off of welfare and into jobs by utilizing state-based innovation. Our goal is to accelerate job placement by moving more Americans from welfare to work, and no policy which undercuts that goal or waters down work requirements will be considered or approved by the Department.

For years, Republican and Democratic Governors have requested more flexibility in implementing welfare reform so they can meet their states’ specific needs. In 2005, 29 Republican Governors requested “[i]ncreased waiver authority, allowable work activities, availability of partial work credit” so they might more “effectively serve low-income” Americans. Certain elements of the proposal endorsed by the 2005 Republican Governors were very far-reaching and would not be approved under the Department’s proposed waivers. More recently, Utah and Nevada requested waiver opportunities. While it appears some of the policies enumerated in the letters would not be eligible for waivers under our policy, we look forward to receiving and being able to consider a formal application from these and other states. The Department is providing a very limited waiver opportunity for states that develop a plan to measurably increase the number of beneficiaries who find and hold down a job. Specifically, Governors must commit that their proposals will move at least 20% more people from welfare to work compared to the state’s past performance. States must also demonstrate clear progress toward that goal no later than one year after their programs

take effect. If they fail, their waiver will be rescinded. And if a Governor proposes a plan that undercuts the work requirements established in welfare reform, that plan will be rejected.

We will follow our initial guidance to states with further information detailing metrics and accountability measures. The policy we have outlined is designed to accelerate job placement rates for those on welfare, not address other aspects of their lives. No plan that undercuts the goal of moving people from welfare to work will be considered or approved. For example, the Department will not approve a waiver that changes the definition of work requirements to include any of the activities outlined in a 2005 GAO report on TANF such as personal care activities, massage, and journaling. We will continue to hold states accountable for moving people from welfare to work.

STRENGTHENING WELFARE REFORM THROUGH
STATE-BASED INNOVATION

For states, welfare can too often be a maze of red tape and nonsensical rules. For example, states can get more credit for assigning people to do job search than for placing them into paying, private-sector jobs. The rules not only place an administrative burden on states, but make searching for a job and securing employment more difficult for families. The proposal we have outlined gives states flexibility to cut red tape and get people back to work.

As noted earlier, when Congress considered legislation reauthorizing the TANF program in 2005, Governors from across the country also expressed their support for more flexibility for states in the TANF program. In a letter to Congress, the following Governors specifically endorsed Senate legislation, which would have allowed many states to receive waivers far broader than we are allowing now—including, for example, waivers of the time limits in the 1996 welfare reform law. Governors signing this letter included:

Bob Riley, Alabama; Frank H. Murkowski, Alaska; Mike Huckabee, Arkansas; Arnold Schwarzenegger, California; Bill Owens, Colorado; M. Jodi Rell, Connecticut; Jeb Bush, Florida; Sonny Perdue, Georgia; Linda Lingle, Hawaii; Dirk Kempthorne, Idaho; Mitch Daniels, Indiana; Ernie Fletcher, Kentucky; Robert L. Ehrlich, Jr., Maryland; Mitt Romney, Massachusetts.

Tim Pawlenty, Minnesota; Haley Barbour, Mississippi; Matt Blunt, Missouri; Dave Heineman, Nebraska; George E. Pataki, New York; Kenny C. Guinn, Nevada; John Hoeven, North Dakota; Bob Taft, Ohio; Donald L. Carcieri, Rhode Island; Mark Sanford, South Carolina; M. Michael Rounds, South Dakota; Rick Perry, Texas; Jon Huntsman, Jr., Utah; James Douglas, Vermont.

As also noted previously, we do not go as far as these Governors in supporting state flexibility. Within limits, however, we agree with their letter that states should have “the flexibility to manage their TANF programs and effectively serve low-income populations.” If a Governor commits to a plan to strengthen work requirements that moves more people from welfare to work, we welcome the opportunity to review that proposal. On the other hand, if a Governor is satisfied with the status quo, the state will not be required to submit a waiver request and can continue to operate under the current welfare system.

We do not have to choose between providing temporary assistance to families who fall on hard times and putting people back to work. We can do both by strengthening work requirements so more people move from welfare to work and giving states flexibility to tailor their welfare reforms to their specific needs. But while we continue to explore new

ways to strengthen work requirements, we will not accept any changes that undercut employment-focused welfare reforms that were signed into law fifteen years ago.

As we have relayed to your staff, we would welcome the opportunity to brief them on the legal and programmatic issues related to this policy and to discuss the feedback we have received from states about the challenges that the current requirements present to creating jobs. Attached is a more detailed description of HHS’ waiver authority under current law. I will also provide this response to Senator Hatch.

Sincerely,

KATHLEEN SEBELIUS.

Enclosure.

ATTACHMENT—LEGAL BASIS FOR UTILIZING
WAIVER AUTHORITY IN TANF

The exercise of waiver authority contemplated in the July 12 Information Memorandum is clearly authorized by section 1115(a)(1) of the Social Security Act. Section 1115(a)(1) allows the Secretary to “waive compliance with any of the requirements of section . . . 402 [of the Act] . . . to the extent and for the period [s]he finds necessary to enable [a] State . . . to carry out” an approved experimental, pilot, or demonstration project that will assist in promoting the objectives of the TANF program. 42 U.S.C. § 1315(a)(1). As the Information Memorandum explains, section 402 sets forth state plan requirements for the TANF program, including the requirement that a plan “[e]nsure that parents and caretakers receiving assistance under the program engage in work activities in accordance with section 407.” Id. § 602(a)(1)(A)(iii). By authorizing the Secretary to “waive compliance with any of the requirements of section . . . 402,” therefore, section 1115 permits the Secretary to waive the requirements of section 407 when she determines that a waiver would promote the objectives of the TANF program and satisfy the other prerequisites for a waiver.

Your letter maintains that the Secretary’s section 1115 waiver authority does not extend to the requirements described in the Information Memorandum because those requirements are set forth in section 407 rather than section 402. But, as explained above, the plain text of section 402 incorporates the requirements of section 407 by reference. Moreover, the Department has long interpreted its authority to waive state plan requirements under section 1115 to extend to requirements set forth in other statutory provisions that are referenced in the provisions governing state plans. This interpretation has been consistently applied throughout the history of section 1115, including in the context of the Medicaid, child support, and former Aid to Families with Dependent Children (AFDC) programs. For example, in Wisconsin’s well-known “Work Not Welfare” demonstration implemented in 1995, the state received a waiver of rules related to the distribution of child support. While section 1115 references the child support state plan provisions in section 454, the child support rules waived in the Wisconsin waiver are in section 457, but included by reference in the state plan in section 454(11). (Additional examples can be provided upon request.) If Congress had intended to restrict the Secretary’s waiver authority when it replaced the AFDC program with the TANF program in 1996, it could have deleted section 1115’s reference to section 402 or otherwise indicated its intent to depart from past practice. Congress did not do so and the Department is adhering to its longstanding interpretation that section 1115 waiver authority extends to requirements incorporated by reference into the state plan sections of programs, including Medicaid, child support, and TANF.

Your letter also claims that section 415(a)(2)(B) of the Act precludes the Secretary from waiving section 407's requirements. But section 415(a)(2)(B) has no application here because it is a transitional provision applicable only to waivers under the former AFDC program, which was replaced by the TANF program in 1996. Indeed, the plain language of section 415(a)(2)(B) makes clear that it is limited to waivers that related to "a State program funded under this part (as in effect on September 30, 1996)"—that is, under the former AFDC program. 42 U.S.C. §615(a)(2)(B) (emphasis added). That provision thus does nothing to restrict the Secretary's waiver authority with respect to the current TANF program.

Mr. MCGOVERN. So having said that, Mr. Speaker, I would like to yield 3 minutes at this time to the gentleman from Puerto Rico, my good friend, Mr. PIERLUISI.

Mr. PIERLUISI. Mr. Speaker, although I strongly support the TANF program, which provides payments to low-income families with children, I rise in opposition to the rule and to the underlying bill. Yesterday, I filed the budget-neutral amendment to H.R. 890. However, the Rules Committee reported a closed rule, thereby foreclosing debate, and a vote, on my amendment.

My amendment sought to eliminate disparities that the territories face under TANF. Under current law, the territories are not eligible for TANF supplemental grants, contingency funds, and mandatory child care funds.

Moreover, Federal law imposes an annual cap on the overall funding that each of the territories can receive under a variety of public assistance programs, including TANF. I have introduced legislation to repeal this funding cap, which has not been increased since 1996, and to make the territories eligible for TANF grants they do not presently receive. The amendment I filed yesterday was rooted in this legislation but modified to comply with PAYGO rules.

Those who seek evidence of how Puerto Rico is hurt by its territory status need look no further than the unequal treatment my constituents receive under TANF and other safety-net programs. These programs are designed to help our Nation's most vulnerable residents, none of whom—I must emphasize—earn enough to pay Federal income taxes.

This treatment would be unprincipled under any circumstances, but it is particularly unfair when one considers that, last November, voters in Puerto Rico rejected the current status and expressed a desire for statehood, a status that would entitle them to equal treatment under all Federal laws. If Congress elects to undertake a comprehensive reauthorization of the TANF program, I hope my colleagues will work with me to eliminate the disparities that Puerto Rico faces under current law, especially in light of the fact that my constituents have rejected the political status that allows for such unequal treatment.

□ 1240

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

I just want to quickly respond to my friend's point on sequester again. A little bit like Lucy and the football, we've tried this twice, and the idea that we should now have to tee it up a third time before the President rouses himself—or the Senate—to action, strikes me as a little bit extreme. Again, we've tried to do it. We're now moving through another process. It seems to be working. Regular order seems to actually be working around here, and I'm hopeful we'll get to, before the end of the month, a resolution that will be considerably better than the CR, that will frankly have folded a lot of the work of the Appropriations Committee into what is effectively the fiscal year 2013 budget.

To my friend from Puerto Rico, it is my understanding—and I'm not a parliamentarian—that the amendment was not germane or was ruled out of order to the bill. Again, I'm not and don't pretend to be an expert on that, but I think he makes an excellent point, and it is certainly a matter worthy of consideration at some appropriate time.

Finally, Mr. Speaker, we don't have a great deal of disagreement here. Let's just make sure that the work requirement is there. There is considerable debate as to who asked for waivers, whether they were asked for, and whether it was reform. I've seen a lot of back-and-forth on this, and I don't pretend to know; but I think it's the clear intent of this Chamber, and always has been since the legislation was passed, that the work requirements remain intact. So just reiterating that point I think makes it crystal clear to everyone and perhaps eliminates the confusion.

Again, I think the reauthorization of the underlying legislation is something that both parties want to accomplish and want to provide certainty for people that are in very difficult circumstances that they're not going to be at risk financially if for some reason, which I don't anticipate, we actually don't get our work done by March 27 and avoid some sort of catastrophic government shutdown. Again, something that I know the President wants to do and something that my friends on the other side of the aisle want to do and something I think our colleagues in the United States Senate want to do.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume just to address a couple of points of my colleague from Oklahoma, whom I have a great deal of respect for.

First of all, if we had an open rule, Mr. PIERLUISI could have had a chance to offer his amendment, and we could get a judgment from the Parliamentarian then. Secondly, also the Rules Committee could have waived the ger-

maneness rule to allow Mr. PIERLUISI to have his amendment made in order. So the Rules Committee could have done that, and chose instead to report a closed rule here so that nobody can offer anything. It is completely closed, a closed process.

Secondly, with regard to sequestration again, I point out that the President of the United States did offer a grand bargain. My Republican friends said no to that. He put a lot of different things on the table trying to come up with a grand bargain to deal with our deficit but also not undercut our economy. It was a balance of cuts and revenue, but my Republican friends said no to that.

And I would repeat again, in this Congress, the House Republicans have done nothing, have proposed zero to be able to avoid the sequester. There have been no alternatives brought before the Rules Committee, nothing brought to the floor.

Mr. VAN HOLLEN has, on four different occasions, tried to avoid sequester with a very balanced approach, and it would save 750,000 jobs. If there's anything that's urgent in this Chamber, it should be to preserve and protect the 750,000 jobs that will be lost because of these sequester cuts.

I would finally say that the United States Senate, far from a perfect branch of government in my opinion, but nonetheless, the Senate Majority Leader had an alternative to sequester that got 51 votes. That's a majority. But, unfortunately, under the Senate rules and with Republican insistence that they needed 60 votes, it didn't make it. But 51 Senators voted for an alternative.

So there are alternatives out there; and the notion that we should kind of sit back, lay back, and maybe something will emerge miraculously to deal with this issue I don't think is the proper role of the House of Representatives. We ought to be deliberating and debating and finding ways to protect those 750,000 jobs.

We talk about welfare to work here. And again, the irony is we're trying to prevent the administration from being able to have the flexibility to be able to work with States who want to get better results, to get more people off of welfare to work. But when you talk about getting people to work, we ought to also be talking about preserving the 750,000 jobs that will be lost because of our inaction on sequester.

Mr. Speaker, at this point I'd like to yield 5 minutes to the gentleman from Texas (Mr. DOGGETT), the ranking member of the Ways and Means Subcommittee on Human Resources.

Mr. DOGGETT. Mr. Speaker, as we continue very important efforts to strengthen the middle class in America, I think it's important to recognize that there are millions of Americans who would like to be part of it, who are struggling at the bottom rungs of the economic ladder hoping to work their way into the middle class. I think

that's where our focus should be, because in recent decades, we've seen growing economic inequality in this country where a few have so much and many have so very little.

One of the goals of the Temporary Assistance to Needy Families, or TANF, initiative back in 1996 was to help those who wanted to climb the economic ladder. In hopes of accomplishing that, and valuing personally the importance of work, I voted for welfare reform. And if you evaluate it based on how many poor people it's denied assistance to, it's a great success. If, on the other hand, you evaluate it based on how many poor people it has helped to secure good, livable wages in long-term jobs, its success, at best, is very spotty.

Today's debate ought to be about how do we strengthen the effectiveness of TANF and related programs to assist more people in working their way into the middle class. But instead of focusing on lifting people up, like the previous temporary extension of TANF, this Republican effort is really about putting them down. It's about suggesting that the stereotype of the welfare Cadillac, of the aimless and the shiftless who don't want to work is real. Instead of a vision about an effective, long-term reauthorization of welfare to work, this bill represents the third time that Republicans have insisted on just a temporary, short-term extension of the same old programs.

The last time that we did this, Republicans included a firm prohibition and strong rhetoric about denying anyone using their electronic benefits at strip clubs or casinos. Who could object to that? But it's hardly central to how we advance these individuals who want to work.

This time it's the leftover Presidential campaign ploy arguing that the administration wanted to encourage more welfare loafing and idleness by weakening work requirements. Neither this bill nor its predecessors were truly about helping more people to secure jobs. They're about reinforcing the prejudice that many poor people are takers, not makers; that they're just eager to take somebody else's tax money and loaf.

Well, I believe that today's attempt to restrict State authority to strengthen welfare-to-work initiatives also totally contradicts what is happening at this very moment with a blockheaded Republican budget that would block-grant almost unbridled authority to the States to weaken health care. Because of the way that the TANF program is currently structured, whether this rule and this bill are approved is largely irrelevant to 99 percent of the working-age poor people in America today who are not currently participating in any of the TANF work activities.

I think we should do better by these folks. They want to become part of the middle class, but they find themselves in no job or a dead-end job. Instead of

focusing on denying assistance to as many people as possible, we ought to be engaging in constructive, bipartisan discussion about what are the best ways to make the program effective to lift people up. Instead of focusing on waivers and simply waving good-bye to the many people in America who are economically disadvantaged and want a better opportunity, who want some hope to get out of poverty, let's try to do more to assist those people in more productive, long-term programs.

Mr. COLE. Mr. Speaker, I reserve the balance of my time.

□ 1250

Mr. McGOVERN. Mr. Speaker, can I inquire of the gentleman from Oklahoma whether he has any additional speakers.

Mr. COLE. I'm prepared to close whenever my friend is.

Mr. McGOVERN. I thank the gentleman, and I yield myself such time as I may consume.

Mr. Speaker, I would urge my colleagues to vote "no" on this closed rule. Again, I regret very much that something that really should be truly bipartisan and totally bipartisan and totally noncontroversial has now become politicized so that there's division.

Again, I wish that we had followed the same path we did with the Violence Against Women Act, when a more controversial and divisive attempt on that bill was put aside for something that was more of a consensus and had broad bipartisan support. We could do the same thing here, and I wish we would.

There is no need for this bill to become politicized; and my guess is that when it comes back to the House, the controversial provisions that we are complaining about right now will probably be gone.

Mr. Speaker, we just had a long discussion about work requirements; but, ironically, the bill that we're going to deal with tomorrow cuts this program called the SNAP Employment and Training Funding. This is a program that helps low-income individuals get training for proper employment, training for jobs that could help those individuals lift themselves out of poverty and off public assistance.

It is my understanding that my friends are going to bring a bill that guts that particular program. I find that puzzling because the whole point of that program is to give people the training they need so they are qualified for some of the jobs that are open out there, and yet we're going to eliminate that.

My friends have routinely gone after the SNAP, or food stamp program, again, helping low-income families get by during difficult times while they find employment. Sadly, there are a lot of people who are working who earn so little that they still qualify for SNAP. We ought to have a greater discussion on poverty and how to deal with some of these big issues like hunger and food

insecurity, and I hope at some point we can have that discussion.

But, today, what I wish we were doing, in addition to passing a non-controversial TANF bill, I wish we were on the floor debating an alternative to the sequester—750,000 jobs are about to be lost, 750,000 jobs. If we are truly interested in work, we ought to protect those jobs.

Mr. VAN HOLLEN of Maryland had an alternative that four times he's brought to the Rules Committee. Four times the leadership here has said, no, you can't bring it to the floor, you can't debate it, you can't deliberate on it.

And my friends on the other side of the aisle in this Congress have offered zero. They're totally content to let the sequester go into play—750,000 jobs at stake.

I think that's what we should be doing here, Mr. Speaker.

As I yield back the balance of my time, I would urge my colleagues on the other side of the aisle to suspend politics for just a little while so we can get a few major things done. We can do the politics next year when it's campaign time, but now's the time to achieve results.

We can come together on a lot of these issues. I hope that that happens; but if this is any indication of how we're going to proceed, it makes me less hopeful.

With that, Mr. Speaker, I yield back the balance of my time.

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

I want to take a moment and respond to some of my friend's concerns and points. First, simply on sequester, with all due respect, I'm glad there's an interest now. There wasn't an interest last May when this House passed legislation. The Senate never picked it up; the President never offered a counter. There wasn't an interest last December. There seems to only be an interest here in the final, waning days.

Now, we actually think we're proceeding in the continuing resolution, perhaps in the upcoming budget debates, and perhaps later on in ways where we can come back and work in a bipartisan fashion. But our efforts to do that were twice rebuffed, and now we're beaten up for not doing it a third time. I think two chances is about as many as you get. And, again, we'll try to find another way to work with our friends on this thing.

As for the job loss, I couldn't agree more with my friend. This is a tremendously bad thing for the economy. This is not the right way to do things. We would have preferred to have done it differently.

Now, you can always arrive at some interesting figures on job loss. According to the CBO, the Affordable Care Act will cost 800,000 jobs. I doubt my friends would work with us to repeal that and save those 800,000 jobs. They've got other objectives there.

Our objective in the entire sequester effort is simply to begin to lower the

long-term debt for this country, a debt that is going to undermine the economy and destroy many, many, many tens of thousands of jobs in the coming years unless we deal with it. We're making that effort today in the Ryan budget, in the Budget Committee. That will be on the floor next week.

I know my friends will have an alternative for that. I welcome that. I'm glad they're doing that. They did not do that when they were in the majority.

The Senate finally, for the first time in 4 years, looks like it's going to put out a budget. It's not a budget that I would like, but they're going to put one out; and I think that's a very good thing.

So, again, I see some little gleams and glistenings of progress around here. And I do want to thank my friend because we have worked together in the last 70 or 80 days on some significant things. I worked with my friend on the fiscal cliff. I worked with my friend on Hurricane Sandy relief, worked with my friend on violence against women; and I very much appreciate his kind words about that.

So I actually see opportunities in front of us, as well as obvious differences and debates that we're surely going to have.

Mr. Speaker, in closing, I believe that the underlying bill provides additional certainty for those currently on the TANF program and ensures that their benefits will not lapse at the end of the month, something I know that my friends are concerned about, just as we are, and want to ensure that that doesn't happen.

In addition, it maintains the bipartisan work requirements that this administration professes to support, but has clearly created some doubt about. So let's give them the opportunity, through this legislation, just to make sure that there's no misunderstanding, that both parties and the administration want to maintain the work requirements.

In closing, I would urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 57 minutes p.m.), the House stood in recess.

□ 1455

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 2 o'clock and 55 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on H. Res. 107; adopting H. Res. 107, if ordered; and agreeing to the Speaker's approval of the Journal.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 890, PRESERVING THE WELFARE WORK REQUIREMENT AND TANF EXTENSION ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 107) providing for consideration of the bill (H.R. 890) to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 233, nays 195, not voting 3, as follows:

[Roll No. 64]

YEAS—233

Aderholt	Burgess	Dent
Alexander	Calvert	DeSantis
Amash	Camp	DesJarlais
Amodei	Campbell	Diaz-Balart
Bachmann	Cantor	Duffy
Bachus	Capito	Duncan (SC)
Barber	Carter	Duncan (TN)
Barletta	Cassidy	Ellmers
Barr	Chabot	Farenthold
Barton	Chaffetz	Fincher
Benishek	Coble	Fitzpatrick
Bentivolio	Coffman	Fleischmann
Billirakis	Cole	Fleming
Bishop (UT)	Collins (GA)	Flores
Black	Collins (NY)	Forbes
Blackburn	Conaway	Fortenberry
Bonner	Cook	Foxx
Boustany	Cotton	Franks (AZ)
Brady (TX)	Cramer	Frelinghuysen
Bridenstine	Crawford	Gardner
Brooks (AL)	Crenshaw	Garrett
Brooks (IN)	Culberson	Gerlach
Broun (GA)	Daines	Gibbs
Buchanan	Davis, Rodney	Gibson
Bucshon	Denham	Gingrey (GA)

Gohmert	Marino	Ros-Lehtinen
Goodlatte	Massie	Roskam
Gosar	Matheson	Ross
Gowdy	McCarthy (CA)	Rothfus
Granger	McCaul	Royce
Graves (GA)	McClintock	Runyan
Graves (MO)	McHenry	Ryan (WI)
Griffin (AR)	McKeon	Salmon
Griffith (VA)	McKinley	Scalise
Grimm	McMorris	Schock
Guthrie	Rodgers	Schweikert
Hall	Meadows	Scott, Austin
Hanna	Meehan	Sensenbrenner
Harper	Messer	Sessions
Harris	Mica	Shimkus
Hartzler	Miller (FL)	Shuster
Hastings (WA)	Miller (MI)	Simpson
Heck (NV)	Miller, Gary	Smith (NE)
Hensarling	Mullin	Smith (NJ)
Herrera Beutler	Mulvaney	Smith (TX)
Holding	Murphy (PA)	Southerland
Hudson	Neugebauer	Stewart
Huelskamp	Noem	Stivers
Huizenga (MI)	Nugent	Stockman
Hultgren	Nunes	Stutzman
Hunter	Nunnelee	Terry
Hurt	Olson	Thompson (PA)
Issa	Palazzo	Thornberry
Jenkins	Paulsen	Tiberi
Johnson (OH)	Pearce	Tipton
Johnson, Sam	Perry	Turner
Jones	Petri	Upton
Jordan	Pittenger	Valadao
Joyce	Pitts	Wagner
Kelly	Poe (TX)	Walberg
King (IA)	Pompeo	Walden
King (NY)	Posey	Walorski
Kingston	Price (GA)	Weber (TX)
Kinzinger (IL)	Radel	Webster (FL)
Kline	Reed	Westrup
Labrador	Reichert	Westmoreland
LaMalfa	Renacci	Whitfield
Lamborn	Ribble	Williams
Lance	Rice (SC)	Wilson (SC)
Lankford	Rigell	Wittman
Latham	Roby	Wolf
Latta	Roe (TN)	Womack
LoBiondo	Rogers (AL)	Woodall
Long	Rogers (KY)	Yoder
Lucas	Rogers (MI)	Yoho
Luetkemeyer	Rohrabacher	Young (AK)
Lummis	Rokita	Young (FL)
Marchant	Rooney	Young (IN)

NAYS—195

Andrews	DelBene	Keating
Barrow (GA)	Deutch	Kennedy
Bass	Dingell	Kildee
Beatty	Doggett	Kilmer
Becerra	Doyle	Kind
Bera (CA)	Duckworth	Kirkpatrick
Bishop (GA)	Edwards	Kuster
Bishop (NY)	Ellison	Langevin
Blumenauer	Engel	Larsen (WA)
Bonamici	Enyart	Larson (CT)
Brady (PA)	Eshoo	Lee (CA)
Braley (IA)	Esty	Levin
Brown (FL)	Farr	Lewis
Brownley (CA)	Fattah	Lipinski
Bustos	Foster	Loeb sack
Butterfield	Frankel (FL)	Lofgren
Capps	Fudge	Lowenthal
Capuano	Gabbard	Lowe
Cárdenas	Gallego	Lujan Grisham
Carney	Garamendi	(NM)
Carson (IN)	Garcia	Luján, Ben Ray
Cartwright	Grayson	(NM)
Castor (FL)	Green, Al	Maffei
Castro (TX)	Green, Gene	Maloney
Chu	Grijalva	Carolyn
Cicilline	Gutierrez	Maloney, Sean
Clarke	Hahn	Markey
Clay	Hanabusa	Matsui
Cleaver	Hastings (FL)	McCarthy (NY)
Clyburn	Heck (WA)	McCollum
Cohen	Higgins	McDermott
Connolly	Himes	McGovern
Conyers	Hinojosa	McIntyre
Cooper	Holt	McNerney
Courtney	Honda	Meeks
Crowley	Horsford	Meng
Cuellar	Hoyer	Michaud
Cummings	Huffman	Miller, George
Davis (CA)	Israel	Moore
Davis, Danny	Jackson Lee	Moran
DeFazio	Jeffries	Murphy (FL)
DeGette	Johnson (GA)	Nadler
Delaney	Johnson, E. B.	Napolitano
DeLauro	Kaptur	Neal