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United States Senate

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December 19, 2012

The President
The White House
1600 Pennsylvania Ave.
Washington, D.C. 20500

Dear Mr. President:

Our country faces a very challenging time. In 2011, there were 16.1 million children in families with incomes below the poverty level. The pernicious effects of poverty have implications for children's health, education and wellbeing. Poverty is a risk factor for child abuse and neglect.

Programs funded through the Temporary Assistance for Needy Families (TANF) provide cash assistance to families struggling in deep and persistent poverty. Programs funded through TANF also provide work supports such as transportation assistance and child care for families working to get themselves out of poverty and into decent paying jobs.

In addition to critical safety net programs that support low-and middle-income families, TANF also funds a number of child welfare programs that, when effective, reduce the number of children in foster care and keep families together.

Authority for TANF expired at the end of FY 2010. Your Administration has not proposed a five-year reauthorization of the TANF programs. Instead, on July 12, 2012, your Administration released an "Information Memorandum," to the states granting your Administration unprecedented authority to waive TANF work rules.

As you may be aware, this action provoked swift condemnation from members of the Legislative Branch. Many of us believe that the welfare waiver memo constituted an excessive and unwarranted over reach of executive authority.

The Government Accountability Office agreed with us and has determined that the July 12, 2012 memo is in fact a "rule" under the Administrative Procedures Act and, as such, should have been submitted to the Congress for review. Since that welfare waiver rule was not submitted to the Congress, the rule is subject to a joint resolution of disapproval under the Congressional Review Act (CRA).

The CRA provides the Senate with a fast track path to a vote on the resolution of disapproval. It is within my right as a Senator to call for a vote on S. J. Res. 50, a resolution on providing for congressional disapproval of a rule submitted by the Department of Health and Human Services relating to the authority to waive federal welfare work requirements under Section 407 of the Social Security Act, prior to the Senate's adjournment this year. It is likely that the vote on S. J. Res. 50 would fall mainly along party lines.

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Mr. President, together we have the ability to help unite our country and enact positive reforms to bring families out of poverty and improve work supports for the middle class.

As an act of good faith, in order to facilitate a collegial bipartisan working relationship on TANF, I will not insist on a vote on S. J. Res. 50 during this session of Congress.

In the spirit of working together, I ask you, Mr. President, to respond to this action by instructing Health and Human Services Secretary Kathleen Sebelius to withdraw the welfare waiver rule and submit a five-year TANF reauthorization proposal to the Congress.

I will commit to working with your Administration, Chairman Camp and Chairman Baucus to enact comprehensive and meaningful welfare reauthorization early on in the 113th Congress.

Mr. President, these are deeply trying times for a number of families struggling in poverty, on the cusp of poverty and in our middle class. However, working together in a bipartisan way, we can ease those struggles. I have taken the first step towards this goal. It is my earnest hope that you will join me.

Respectfully yours,

A handwritten signature in blue ink that reads "Orrin Hatch". The signature is fluid and cursive, with a large initial "O" and a long, sweeping underline.

Orrin G. Hatch
Ranking Member