

two experience-driven publications produced by CMF that provide new House Members, Senators, and their staff a detailed outline for setting up and running an effective office. "Keeping it Local" stresses the importance of maintaining a strong presence in district offices and the value of effective constituent outreach and interaction at the local level. These publications are time-tested, indispensable resources that provide our leaders with the appropriate tools they need to overcome the challenges of lawmaking on the national stage.

In the past decade, CMF has adapted its mission to keep up with the rapid introduction of new technology on Capitol Hill. Recently CMF has offered guidance on how to design effective and accessible Web sites, culminating in CMF's Gold Mouse Awards for the best congressional Web sites. CMF has helped Senators significantly improve their online operations, resulting in more transparency and accountability in government. Because of CMF's research and guidance in Web sites and online communications, Americans have a better understanding of the Congress and better access to necessary services.

Finally, I wish to congratulate CMF on focusing on improving the Congress in a nonpartisan way. There are only a few places left in Washington where those of us who are in public service can gather and truly engage in problem solving. I congratulate the Congressional Management Foundation on more than three decades of outstanding work and wish them success in all of their future endeavors.

TRIBUTE TO STEPHEN J. CLOOBECK

Mr. REID. Mr President, I rise to honor my friend Steve Cloobek of Las Vegas, the chairman of the board for Brand USA. This month, Steve will step down from the board after 2 years of working tirelessly to build Brand USA from the ground up.

Over the past decades, the United States lost valuable tourism dollars as international visitors traveled to other destinations instead of the U.S. In part, the United States lost market share because we failed to promote tourism, while other countries invested in tourism promotion. To encourage tourists to visit the U.S., I worked for the passage of the Travel Promotion Act. This bipartisan legislation established the first-ever United States public-private initiative to promote tourism. The new organization would help attract millions of international visitors by advertising our Nation abroad—all at no cost to the taxpayers.

If this new organization, Brand USA, was going to be successful, it would need a strong leader with a bold vision to promote tourism. Fortunately, we found that leader in Steve Cloobek. From the moment he joined the board, Steve established aggressive timelines

for setting up the new organization. He helped draft the organization's strategic platform and goals, while ensuring that operations continued on schedule.

Steve was also actively engaged in building partnerships with the private sector. Because of his business relationships in the tourism industry, Steve received many large commitments and contributions from companies in Nevada and across the Nation. With a slate of committed partners from Marriott to Best Western to Disney, Brand USA will raise more than \$50 million from the private sector this year alone.

Under the direction of Steve and the board, Brand USA unveiled their new advertising campaign. Featuring a song by Rosanne Cash, these ads showcase America as a "Land of Dreams" where anything is possible. These advertisements, which have been running in nine key international markets, have created a strong brand identity for the United States abroad.

Today, we can already see that Brand USA is making a difference. So far this year, international visitation to the U.S. has increased 12 percent and we are heading for a record-setting year. And most importantly, during these hard economic times, travel promotion is creating new, good-paying jobs as we welcome millions of new visitors to our Nation's world-class cities, national parks, and tourist attractions.

Under Chairman Cloobek's leadership, Brand USA has been a tremendous success for our Nation and the travel industry. His enthusiasm and dedication have ensured that Brand USA is well positioned for the future. I am confident that Brand USA will be a critical asset to American tourism for years to come, and I am proud to join everyone at Brand USA and the travel industry in thanking Steve for his important contributions.

TANF

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD the GAO opinion letter dated September 4, 2012, and the TANF Information Memorandum dated July 12, 2012.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. 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