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U.S. House of Representatives

COMMITTEE ON WAYS AND MEANS
1139 LONGWORTH HOUSE OFFICE BUILDING
Washington, DC 20515

July 31, 2026

The Honorable Robert F. Kennedy, Jr.
Secretary
U.S. Department of Health and Human Services
200 Independence Ave SW
Washington D.C. 20201

Dear Secretary Kennedy:

As Members of the authorizing Committee for Temporary Assistance for Needy Families (TANF), we write to object to the changes proposed in the System of Records Notice (SORN) titled "Privacy Act of 1974; System of Records" as published on June 23, 2026. In service of Trump Administration goals unrelated to TANF's purposes, the SORN describes plans to go far beyond the limited authority given to the Department of Health and Human Services (HHS) to collect and share TANF data collected from states, tribes, territories and the District of Columbia.

Like your previous unsuccessful efforts to freeze TANF funds to states whose leaders criticized President Trump, the proposed action would be inconsistent with clear Congressional intent and with the TANF statute, and it would harm the needy children that TANF is intended to serve. The proposed collection and use of personally identifiable information (PII) would also violate the privacy of people we represent and would undermine our efforts to help needy children and help them avoid unnecessary entry into foster care.

We also object to the SORN itself, because we do not agree that the uses of confidential individual data it describes meet the definition of "routine use" in the *Privacy Act of 1974 (Privacy Act)*. In fact, they appear intended to delay, discourage, or deny benefits on the basis of income and/or national origin, and to use PII collected from TANF non-recipients to override state TANF eligibility decisions and manage non-TANF programs.

Congress intentionally limited HHS authority to determine eligibility, require data collection, or impose state requirements not in the TANF statute. As our Republican Committee colleagues previously noted in a comment to HHS,

> "When TANF was created with bipartisan support and signed into law by President Clinton in 1996, the overarching goal and stated purpose in statute was 'to increase the flexibility of States.' Likewise, the Committee report emphasized the importance of state flexibility seven times and stated that TANF's purpose is "to increase state flexibility in providing assistance to needy families..."

Section 417 of the *Social Security Act* prohibits HHS from regulating states beyond what is "expressly provided" in the Act. The Act only authorizes HHS to define the data elements specifically listed in Section 411 of the *Social Security Act*, not add to or expand upon them, and further requires HHS to propose the definitions in regulations, not in routine *Privacy Act* notices nor in letters to States.

The TANF statute does not require states to verify identity for non-recipients, nor does the statute or HHS regulation require states to provide TANF data for the purpose of immigration enforcement. Doing so would directly harm children, some of whom would otherwise be in foster care, by requiring jurisdictions to collect and report data on grandparents and other caregivers who do not receive TANF assistance; doing so would put caregiver and child privacy at risk by re-sharing their PII and other confidential information. The sharing would also create legal jeopardy for TANF programs if those individuals did not consent to having their information shared.

Several other programs authorized in Title IV of the *Social Security Act* include specific statutory procedures for individual case review or payment error rate monitoring. The TANF statute does not provide such a process, in keeping with its goal of state flexibility. If HHS seeks to more closely monitor state use of TANF funds in order to prevent fraud, we would be happy to work with you to enact the *TANF State Expenditure Integrity Act* (H.R. 2108) which would give HHS the statutory authority to monitor sub-grantee fraud, a serious issue that you ignored when you canceled penalties for criminal fraud in Mississippi.

Using TANF data as outlined in the SORN is not a "routine use" as defined in the *Privacy Act*.

The SORN cites the "routine use" exemption under the *Privacy Act* to justify collecting and re-sharing PII, without knowledge or consent of the individuals, for purposes not directly related to administering TANF. But the new uses are not activities authorized in TANF. Instead, collecting and sharing additional data would divert funds from TANF's statutory purposes, and would undermine such purposes by discouraging caregivers from applying for TANF benefits for the needy children in their care.

We urge you to immediately withdraw the TANF SORN and work respectfully with Congress to enact any changes you wish to propose to the TANF Program's purposes or federal oversight of TANF funding.

Sincerely,



The Honorable Danny K. Davis
Ranking Member
Subcommittee on Worker and Family Support



The Honorable Judy Chu
Member
Subcommittee on Worker and Family Support



The Honorable Gwen Moore
Member
Subcommittee on Worker and Family Support



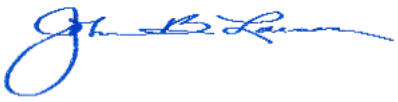
The Honorable Dwight Evans
Member
Subcommittee on Worker and Family Support



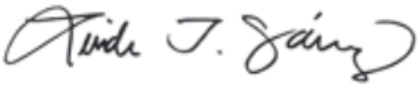
The Honorable Jimmy Gomez
Member
Subcommittee on Worker and Family Support



The Honorable Mike Thompson
Member
Committee on Ways and Means



The Honorable John B. Larson
Member
Committee on Ways and Means



The Honorable Linda T. Sánchez
Member
Committee on Ways and Means



The Honorable Terri A. Sewell
Member
Committee on Ways and Means



The Honorable Suzan DelBene
Member
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The Honorable Don Beyer
Member
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The Honorable Bradley Scott Schneider
Member
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The Honorable Steven Horsford
Member
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