

Congress of the United States

Washington, DC 20515

July 23, 2012

Secretary Kathleen Sebelius
U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Washington D.C. 20201

Dear Secretary Sebelius,

It has come to our attention that the Department of Health and Human Services recently released an “Information Memorandum” that seeks to waive Temporary Assistance for Needy Families (TANF) mandatory work requirements.

We are disappointed to see that the Administration, through this action and others, seems intent not on helping to get Americans back to work, but rather on increasing their reliance on welfare and other government programs.

As you may know, TANF work requirements were included in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, signed by President Bill Clinton on August 22, 1996.

President Clinton made it clear in a signing statement that “This act honors my basic principles of real welfare reform. It requires work of welfare recipients.” Democrats and Republicans supported the work requirement on the floor of U.S. House of Representatives. In fact, the bill passed both the House and the Senate with overwhelming bipartisan majorities. Furthermore, the non-partisan Congressional Research Service found in 2001 that “there are no TANF waivers.”

Stated in the Information Memorandum is “Section 1115 authorizes waivers concerning section 402.” We have concerns with this because Section 1115 of the Social Security Act only provides the waiver if that section is listed. The statutory text is unambiguous. Despite your assertion, section 1115 waivers simply do not apply.

We are writing today expressing our concern with the decision to issue this waiver and asking for clarification of the steps that led to this unprecedented waiver.

What administration officials – to include but not limited to yourself, the President, or senior White House or HHS officials – approved or were otherwise involved in the decision to issue this Memorandum?

What legal authorities (Constitutional and Statutory) can you point to that create the referenced “underlying flexibility in federal law”?

What legal authorities can you point to that allow you to ignore the explicit requirement in 42 U.S.C. § 607 (titled *Mandatory work requirements*) that “a State to which a grant is made under

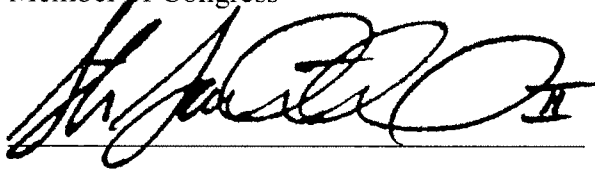
section 603 of this title for a fiscal year shall achieve the minimum participation rate specified”?
In what other areas do you plan to exercise this “underlying flexibility”?

Thank you in advance for your prompt response to our inquiry.

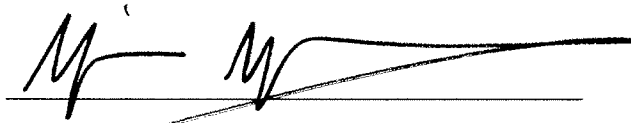
Sincerely,

Tom Graves 64-9

Tom Graves
Member of Congress



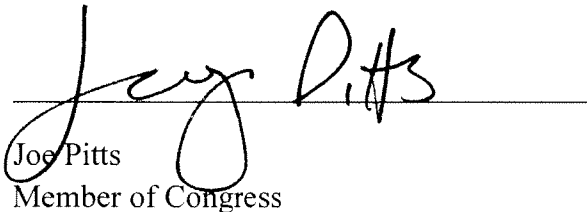
Steve Southerland
Member of Congress



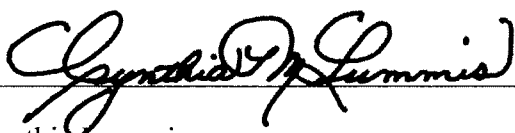
Mick Mulvaney
Member of Congress



Louie Gohmert
Member of Congress



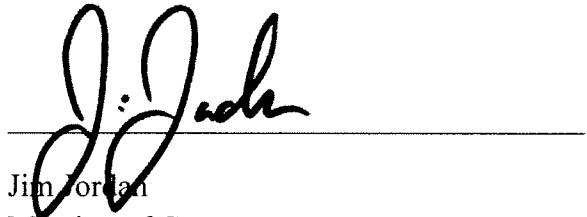
Joe Pitts
Member of Congress



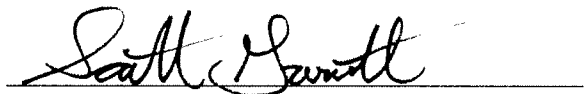
Cynthia Lummis
Member of Congress

Tim Scott SC-01

Tim Scott
Member of Congress



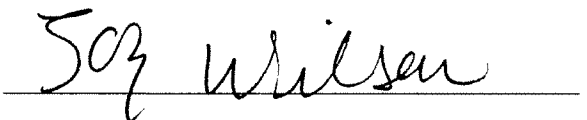
Jim Jordan
Member of Congress



Scott Garrett
Member of Congress



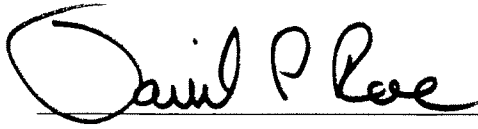
Jean Schmidt
Member of Congress



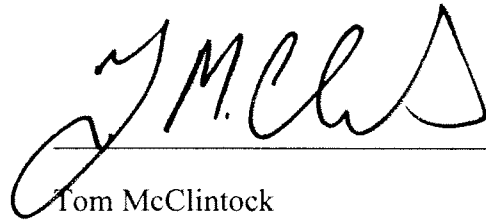
Joe Wilson
Member of Congress



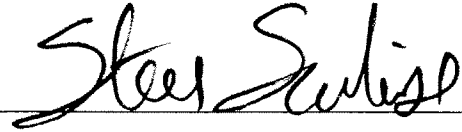
Marlin Stutzman
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Phil Roe
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Tom McClintock
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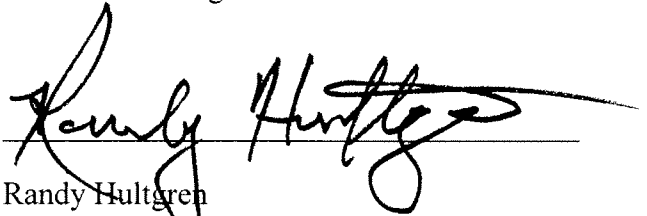
Steve Scalise
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Randy Neugebauer
Member of Congress



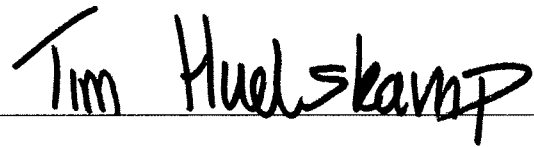
Paul Broun
Member of Congress



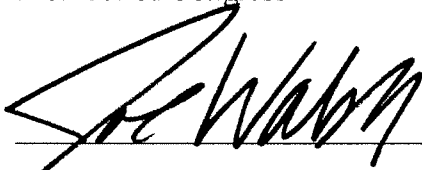
Randy Hultgren
Member of Congress



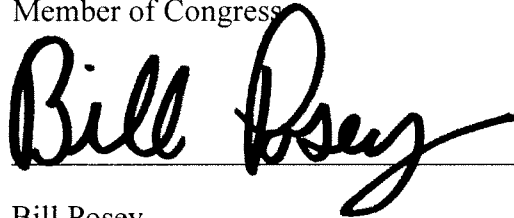
Steve Chabot
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Tim Huelskamp
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Joe Walsh
Member of Congress



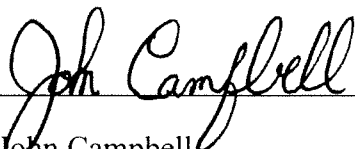
Bill Posey
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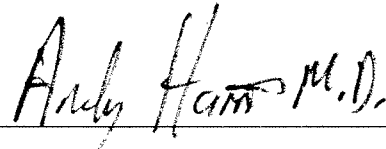
John Fleming
Member of Congress



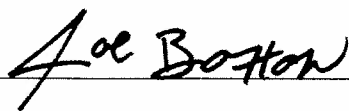
Doug Lamborn
Member of Congress



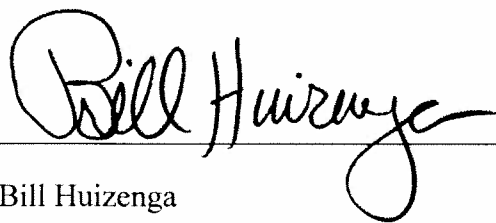
John Campbell
Member of Congress



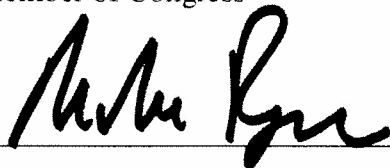
Andy Harris
Member of Congress



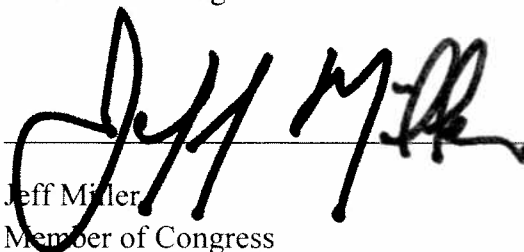
Joe Barton
Member of Congress



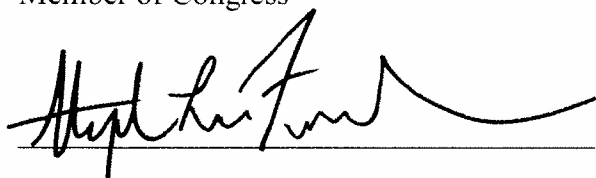
Bill Huizenga
Member of Congress



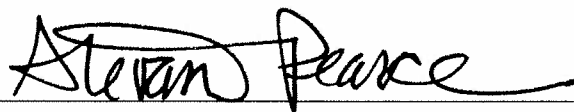
Mike Rogers (AL-3)
Member of Congress



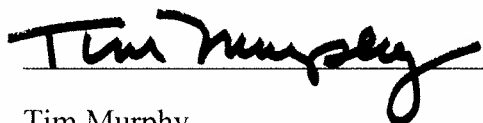
Jeff Miller
Member of Congress



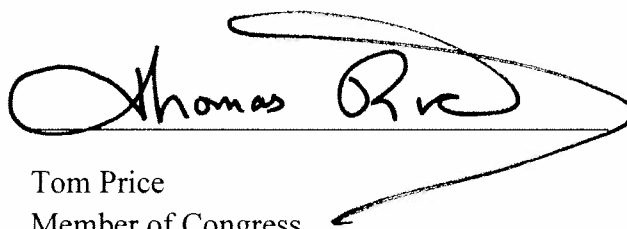
Stephen Fincher
Member of Congress



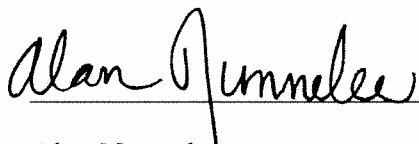
Stevan Pearce
Member of Congress



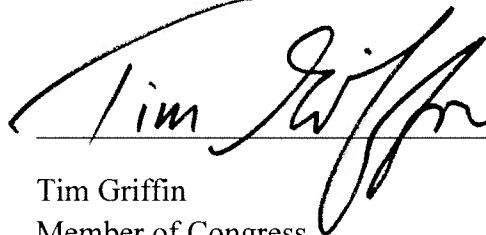
Tim Murphy
Member of Congress



Tom Price
Member of Congress



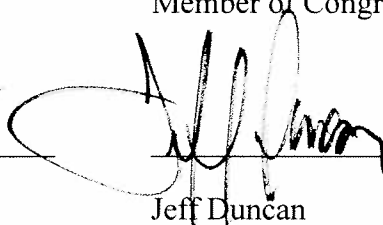
Alan Nunnelee
Member of Congress



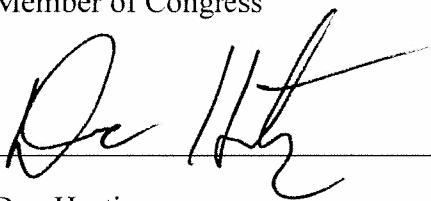
Tim Griffin
Member of Congress



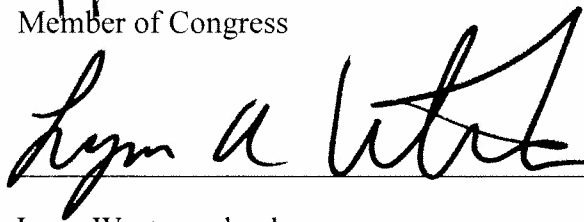
Jeff Flake
Member of Congress



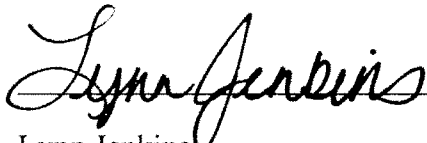
Jeff Duncan
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Doc Hastings
Member of Congress



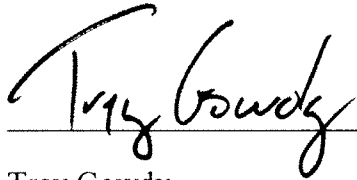
Lynn Westmoreland
Member of Congress



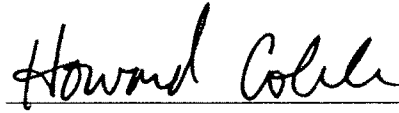
Lynn Jenkins
Member of Congress



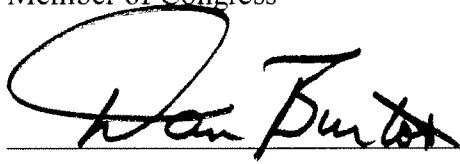
Todd Rokita
Member of Congress



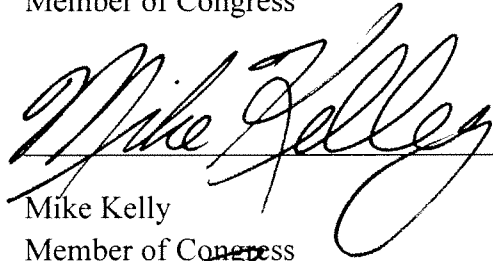
Trey Gowdy
Member of Congress



Howard Coble
Member of Congress




Dan Burton
Member of Congress



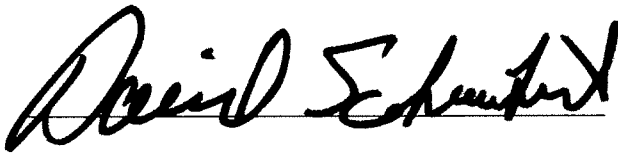
Mike Kelly
Member of Congress



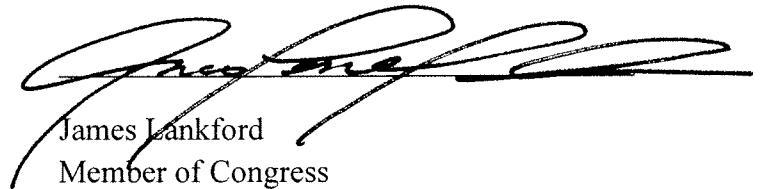
Rich Nugent
Member of Congress



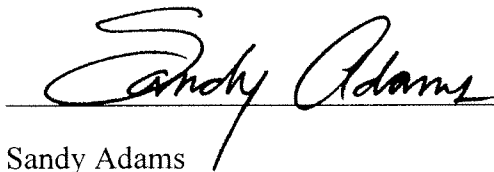
Bob Latta
Member of Congress



David Schweikert
Member of Congress



James Lankford
Member of Congress



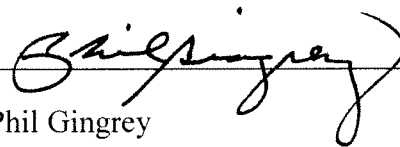
Sandy Adams
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Ted Poe
Member of Congress



Austin Scott
Member of Congress



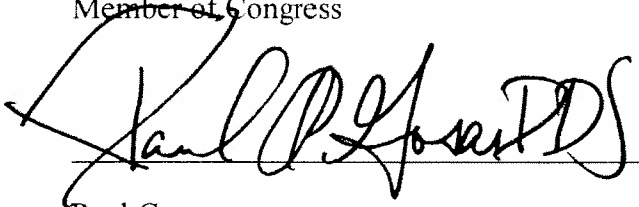
Phil Gingrey
Member of Congress



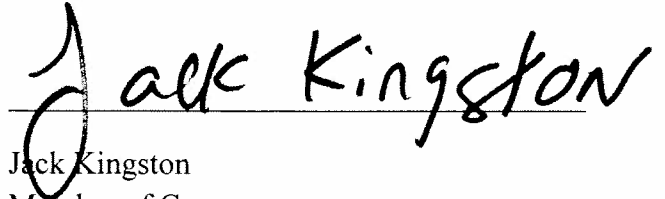
Sue Myrick
Member of Congress



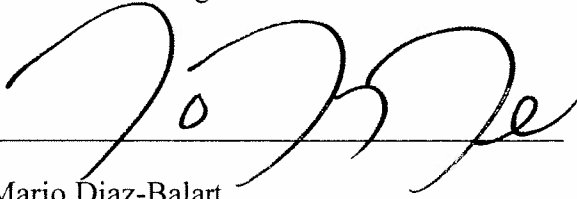
Walter Jones
Member of Congress



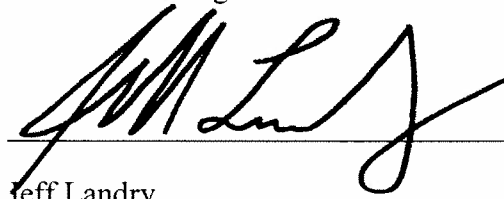
Paul Gosar
Member of Congress



Jack Kingston
Member of Congress



Mario Diaz-Balart
Member of Congress



Jeff Landry
Member of Congress



Reid Ribble
Member of Congress



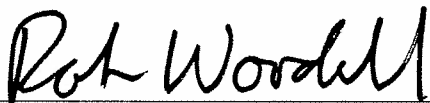
David Rivera
Member of Congress



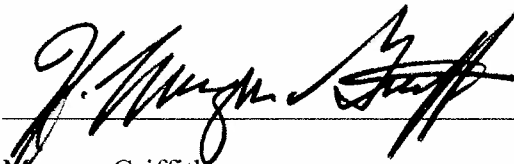
Cliff Stearns
Member of Congress



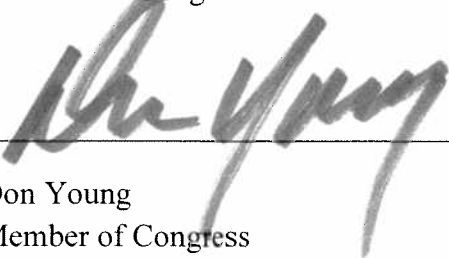
Adam Kinzinger
Member of Congress



Rob Woodall
Member of Congress



Morgan Griffith
Member of Congress



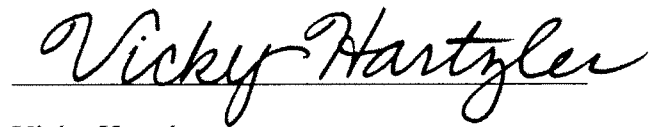
Don Young
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Connie Mack
Member of Congress



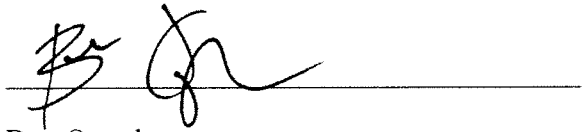
Vern Buchanan
Member of Congress



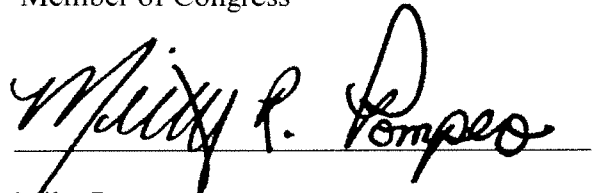
Vicky Hartzler
Member of Congress



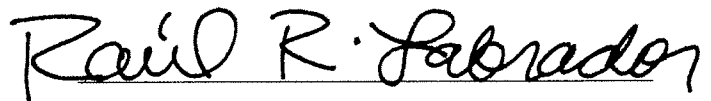
Bill Flores
Member of Congress



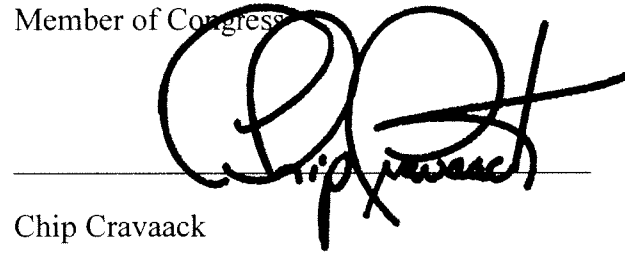
Ben Quayle
Member of Congress



Mike Pompeo
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Raúl Labrador
Member of Congress



Chip Cravaack
Member of Congress



Dennis Ross
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