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

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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

SC-01

Tim Scott
Member of Congress

Steve Southerland
Member of Congress

Jim Jordan
Member of Congress

Mick Mulvaney
Member of Congress

Scott Garrett
Member of Congress

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Jean Schmidt
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Joe Wilson
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Marlin Stutzman
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Tom McClintock
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Steve Scalise
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John Campbell
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Andy Harris
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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
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Alan Nunnelee
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Tim Griffin
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Jeff Flake
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Jeff Duncan
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Doc Hastings
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Lynn Westmoreland
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Lynn Jenkins
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Morgan Griffith
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Don Young
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Connie Mack
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Vicky Hartzler
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Bill Flores
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Mike Pompeo
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Dennis Ross
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