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
Member of Congress

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

Louie Gohmert
Member of Congress

Jean Schmidt
Member of Congress

Joe Pitts
Member of Congress

Joe Wilson
Member of Congress

Cynthia Lummis
Member of Congress

Marlin Stutzman
Member of Congress
Phil Roe
Member of Congress

Steve Scalise
Member of Congress

Paul Broun
Member of Congress

Steve Chabot
Member of Congress

Joe Walsh
Member of Congress

John Fleming
Member of Congress

John Campbell
Member of Congress

Tom McClintock
Member of Congress

Randy Neugebauer
Member of Congress

Randy Hultgren
Member of Congress

Tim Huelskamp
Member of Congress

Bill Posey
Member of Congress

Doug Lamborn
Member of Congress

Andy Harris
Member of Congress
Lynn Jenkins  
Member of Congress

Trey Gowdy  
Member of Congress

Dan Burton  
Member of Congress

Rich Nugent  
Member of Congress

David Schweikert  
Member of Congress

Sandy Adams  
Member of Congress

Austin Scott  
Member of Congress

Todd Rokita  
Member of Congress

Howard Coble  
Member of Congress

Mike Kelly  
Member of Congress

Bob Latta  
Member of Congress

James Lankford  
Member of Congress

Ted Poe  
Member of Congress

Phil Gingrey  
Member of Congress
Sue Myrick
Member of Congress

Paul Gosar
Member of Congress

Mario Diaz-Balart
Member of Congress

Reid Ribble
Member of Congress

Cliff Stearns
Member of Congress

Rob Woodall
Member of Congress

Don Young
Member of Congress

Walter Jones
Member of Congress

Jack Kingston
Member of Congress

Jeff Landry
Member of Congress

David Rivera
Member of Congress

Adam Kinzinger
Member of Congress

Morgan Griffith
Member of Congress

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  
Member of Congress

Raúl Labrador  
Member of Congress

Chip Cravaack  
Member of Congress

Dennis Ross  
Member of Congress