

108TH CONGRESS  
1ST SESSION

# S. 1523

To amend part A of title IV of the Social Security Act to allow a State to treat an individual with a disability, including a substance abuse problem, who is participating in rehabilitation services and who is increasing participation in core work activities as being engaged in work for purposes of the temporary assistance for needy families program, and to allow a State to count as a work activity under that program certain care provided to a child with a physical or mental impairment or an adult dependent for care with a physical or mental impairment.

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## IN THE SENATE OF THE UNITED STATES

JULY 31 (legislative day, JULY 21), 2003

Mr. SMITH (for himself, Mr. JEFFORDS, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend part A of title IV of the Social Security Act to allow a State to treat an individual with a disability, including a substance abuse problem, who is participating in rehabilitation services and who is increasing participation in core work activities as being engaged in work for purposes of the temporary assistance for needy families program, and to allow a State to count as a work activity under that program certain care provided to a child with a physical or mental impairment or an adult dependent for care with a physical or mental impairment.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Pathways to Independ-  
 5       ence Act of 2003”.

6       **SEC. 2. STATE OPTION TO COUNT REHABILITATION SERV-**  
 7                       **ICES FOR CERTAIN INDIVIDUALS AS WORK**  
 8                       **FOR PURPOSES OF THE TEMPORARY ASSIST-**  
 9                       **ANCE FOR NEEDY FAMILIES PROGRAM.**

10       (a) IN GENERAL.—Section 407(c)(2) of the Social  
 11       Security Act (42 U.S.C. 607(c)(2)) is amended by adding  
 12       at the end the following:

13                       “(E) STATE OPTION TO TREAT AN INDIV-

14                       VIDUAL WITH A DISABILITY, INCLUDING A SUB-

15                       STANCE ABUSE PROBLEM, WHO IS PARTICI-

16                       PATING IN REHABILITATION SERVICES AS

17                       BEING ENGAGED IN WORK.—

18                       “(i) INITIAL 3-MONTH PERIOD.—Sub-

19                       ject to clauses (ii) and (iii), for purposes of

20                       determining monthly participation rates

21                       under paragraphs (1)(B)(i) and (2)(B) of

22                       subsection (b), a State may deem an indi-

23                       vidual described in clause (iv) as being en-

24                       gaged in work for not more than 3 months

25                       in any 24-month period.

1                   “(ii)    ADDITIONAL    3-MONTH    PE-  
 2                   RIOD.—A State may extend the 3-month  
 3                   period under clause (i) for an additional 3  
 4                   months only if, during such additional 3-  
 5                   month period, the individual engages in a  
 6                   work activity described in subsection (d)  
 7                   for such number of hours per month as the  
 8                   State determines appropriate.

9                   “(iii) SUCCEEDING MONTHS.—

10                   “(I) CREDIT FOR INDIVIDUALS  
 11                   PARTICIPATING IN WORK ACTIVITIES  
 12                   AND REHABILITATION SERVICES.—If  
 13                   a State has deemed an individual de-  
 14                   scribed in clause (iv) as being engaged  
 15                   in work for 6 months in accordance  
 16                   with clauses (i) and (ii), and the State  
 17                   determines that the individual is un-  
 18                   able to satisfy the work requirement  
 19                   under the State program funded  
 20                   under this part that applies to the in-  
 21                   dividual without regard to this sub-  
 22                   paragraph because of the individual’s  
 23                   disability, including a substance abuse  
 24                   problem, the State shall receive the  
 25                   credit determined under subclause (II)

toward the monthly participation rate  
for the State.

“(II) DETERMINATION OF CREDIT.—For purposes of subclause (I), the credit the State shall receive under that subclause is, with respect to a month, the lesser of—

“(aa) the sum of the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month and the number of hours that the individual participates in rehabilitation services under this subparagraph for the month; or

“(bb) twice the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month.

“(iv) INDIVIDUAL DESCRIBED.—For purposes of this subparagraph, an indi-

vidual described in this clause is an individual who the State has determined has a disability, including a substance abuse problem, and would benefit from participating in rehabilitative services.

“(v) DEFINITION OF DISABILITY.—In this subparagraph, the term ‘disability’ means—

“(I) a physical or mental impairment that constitutes or results in a substantial impediment to employment; or

“(II) a physical or mental impairment that substantially limits 1 or more major life activities.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2003.

**SEC. 3. STATE OPTION TO COUNT CARING FOR A CHILD OR ADULT DEPENDENT FOR CARE WITH A PHYSICAL OR MENTAL IMPAIRMENT AS MEETING ALL OR PART OF THE WORK REQUIREMENT.**

(a) IN GENERAL.—Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)), as amended by section 2, is amended by adding at the end the following:

1           “(F) RECIPIENT CARING FOR A CHILD OR  
 2           ADULT DEPENDENT FOR CARE WITH A PHYS-  
 3           ICAL OR MENTAL IMPAIRMENT DEEMED TO BE  
 4           MEETING ALL OR PART OF A FAMILY’S WORK  
 5           PARTICIPATION REQUIREMENTS FOR A  
 6           MONTH.—

7                   “(i) IN GENERAL.—Subject to clause  
 8                   (ii), for purposes of determining monthly  
 9                   participation rates under paragraphs  
 10                  (1)(B)(i) and (2)(B) of subsection (b), a  
 11                  State may count the number of hours per  
 12                  week that a recipient engages in providing  
 13                  substantial ongoing care for a child or  
 14                  adult dependent for care with a physical or  
 15                  mental impairment if the State determines  
 16                  that—

17                           “(I) the child or adult dependent  
 18                           for care has been verified through a  
 19                           medically acceptable clinical or labora-  
 20                           tory diagnostic technique as having a  
 21                           significant physical or mental impair-  
 22                           ment or combination of impairments  
 23                           and as a result of that impairment, it  
 24                           is necessary that the child or adult de-

pendent for care have substantial ongoing care;

“(II) the recipient providing such care is the most appropriate means, as determined by the State, by which the care can be provided to the child or adult dependent for care;

“(III) for each month in which this subparagraph applies to the recipient, the recipient is in compliance with the requirements of the recipient’s self-sufficiency plan; and

“(IV) the recipient is unable to participate fully in work activities, after consideration of whether there are supports accessible and available to the family for the care of the child or adult dependent for care.

“(ii) TOTAL NUMBER OF HOURS LIMITED TO BEING COUNTED AS 1 FAMILY.—  
In no event may a family that includes a recipient to which clause (i) applies be counted as more than 1 family for purposes of determining monthly participation

rates under paragraphs (1)(B)(i) and  
(2)(B) of subsection (b).

“(iii) STATE REQUIREMENTS.—In the  
case of a recipient to which clause (i) ap-  
plies, the State shall—

“(I) conduct regular, periodic  
evaluations of the recipient’s family;  
and

“(II) include as part of the re-  
cipient’s self-sufficiency plan, regular  
updates on what special needs of the  
child or the adult dependent for care,  
including substantial ongoing care,  
could be accommodated either by indi-  
viduals other than the recipient or  
outside of the home.

“(iv) 2-PARENT FAMILIES.—

“(I) IN GENERAL.—If a parent  
in a 2-parent family is caring for a  
child or adult dependent for care with  
a physical or mental impairment—

“(aa) the State may treat  
the family as a 1-parent family  
for purposes of determining  
monthly participation rates under



1 paragraphs (1)(B)(i) and (2)(B)  
 2 of subsection (b); and

3 “(bb) the State may not  
 4 count any hours of care for the  
 5 child or adult dependent for care  
 6 for purposes of determining such  
 7 rates.

8 “(II) SPECIAL RULE.—If the  
 9 adult dependent for care in a 2-parent  
 10 family is 1 of the parents and the  
 11 State has complied with the require-  
 12 ments of clause (iii), the State may  
 13 count the number of hours per week  
 14 that a recipient engages in providing  
 15 substantial ongoing care for that  
 16 adult dependent for care.

17 “(v) RULE OF CONSTRUCTION.—  
 18 Nothing in this subparagraph shall be con-  
 19 strued as prohibiting a State from includ-  
 20 ing in a recipient’s self-sufficiency plan a  
 21 requirement to engage in work activities  
 22 described in subsection (d).”.

23 (b) EFFECTIVE DATE.—The amendment made by  
 24 subsection (a) takes effect on October 1, 2003.

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