

108TH CONGRESS
1ST SESSION

S. 316

To amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2003

Mr. CORZINE (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes.

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 “Chance to Succeed Act

5 of 2003”.

1 **SEC. 2. INCLUSION OF EFFORTS TO ADDRESS BARRIERS TO**
2 **EMPLOYMENT AS A WORK ACTIVITY UNDER**
3 **TANF.**

4 Section 407 of the Social Security Act (42 U.S.C.
5 607) is amended—

6 (1) in subparagraphs (A) and (B) of subsection
7 (c), by striking “or (12)” each place it appears and
8 inserting “(12), or (13)”;

9 (2) in subsection (d)—

10 (A) in paragraph (11), by striking “and”
11 at the end;

12 (B) in paragraph (12), by striking the pe-
13 riod and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(13) subject to subsection (j), 6 months of sat-
16 isfactory participation (as determined by the State)
17 in services to address barriers that are designed to
18 improve future employment opportunities, including
19 substance abuse treatment, occupational therapy,
20 and physical rehabilitation, mental health, and men-
21 tal retardation and developmental disabilities serv-
22 ices.”; and

23 (3) by adding at the end the following:

24 “(j) STATE OPTION TO EXTEND PERIOD FOR PAR-
25 TICIPATION IN SERVICES TO ADDRESS BARRIERS.—

1 “(1) IN GENERAL.—With respect to an indi-
2 vidual, a State may extend the 6-month period re-
3 ferred to in subsection (d)(13) for an additional pe-
4 riod determined by the State so long as the State
5 periodically reassesses the appropriateness of the ac-
6 tivities referred to in such subsection for the indi-
7 vidual.

8 “(2) RULE OF CONSTRUCTION.—Nothing in
9 paragraph (1) or subsection (d)(13) shall be con-
10 strued to limit the amount of time an individual may
11 require, or a State may provide, services to address
12 barriers that are designed to improve future employ-
13 ment opportunities.”.

14 SEC. 3. CREATION OF A SCREENING, ASSESSMENT, AND
15 SERVICES PROCESS TO ADDRESS BARRIERS
16 TO EMPLOYMENT.

17 (a) ASSESSMENTS.—Section 408(b) of the Social Se-
18 curity Act (42 U.S.C. 608(b)) is amended—

19 (1) by striking paragraph (1) and inserting the
20 following:

21 “(1) ASSESSMENT PROVIDED FOR EACH INDIVIDUAL WHO RECEIVES ASSISTANCE.—

23 “(A) IN GENERAL.—The State agency re-
24 sponsible for administering the State program
25 funded under this part shall make an initial as-

1 essment of each adult individual who receives
2 assistance under the program (and, in the case
3 of a State program that requires an individual
4 who is a caretaker for an individual who re-
5 ceives such assistance to engage in work, an ini-
6 tial assessment of the caretaker individual) to
7 determine whether the individual has any bar-
8 riers to employment or program compliance.

9 “(B) 2-PART PROCESS.—The assessment
10 under subparagraph (A) shall consist of the fol-
11 lowing 2 parts:

12 “(i) INITIAL SCREENING.—

13 “(I) IN GENERAL.—An initial
14 screening which shall evaluate an indi-
15 vidual’s employability, educational ca-
16 pacity, and other related cir-
17 cumstances, such as the child support
18 status, housing needs, and transpor-
19 tation needs of the individual and the
20 individual’s family.

21 “(II) REQUIRED FACTORS TO BE
22 ASSESSED.—A trained caseworker
23 shall screen the individual for condi-
24 tions such as physical or mental im-
25 pairments, substance abuse, domestic

1 or sexual violence, learning disabilities,
2 limited English proficiency, limited
3 literacy in a primary language,
4 and need to care for a child with a
5 disability or health condition which
6 may interfere with work or other pro-
7 gram requirements.

needed for the individual to obtain and maintain a job at a monthly wage that is at least 200 percent of the poverty line applicable to the family of the individual.

17 “(C) FAMILY MEMBERS.—At the discretion
18 of an individual who receives assistance under
19 the State program funded under this part, a
20 member of the individual’s family also may be
21 afforded an assessment in accordance with this
22 paragraph.

23 “(D) NOT CONSIDERED A PROGRAM RE-
24 QUIREMENT.—Participation by an individual or
25 by a member of the individual’s family in an as-

1 essment under this paragraph shall not be con-
2 sidered a program requirement for the indi-
3 vidual or the individual's family.

4 “(E) INCLUSION OF CASEWORKERS.—
5 Nothing in subparagraph (B)(ii) shall be con-
6 strued as prohibiting a caseworker from being
7 a qualified professional for purposes of that
8 subparagraph if the caseworker satisfies the re-
9 quirements for being considered a qualified pro-
10 fessional.”; and

11 (2) by striking paragraph (4).

12 (b) REVIEW AND CONCILIATION PROCESS.—Section
13 408(a) of the Social Security Act (42 U.S.C. 608(a)) is
14 amended by adding at the end the following:

15 “(12) REVIEW AND CONCILIATION PROCESS.—
16 “(A) IN GENERAL.—A State to which a
17 grant is made under section 403 shall not im-
18 pose a sanction against an individual or family
19 under the State program funded under this
20 part on the basis of noncompliance by an indi-
21 vidual or family with a program requirement,
22 unless the State satisfies the following require-
23 ments:

24 “(i) NOTICE.—The State has at-
25 tempted, at least twice (using at least 2

1 different communication methods, 1 of
2 which shall be in writing) to notify the in-
3 dividual or family, in the individual's or
4 family's native language, of—

1 that is to be the basis on which the sanc-
2 tion is to be imposed, and that includes—

1 which the individual or family has
2 been assigned are necessary in order
3 for the individual or family to comply
4 with program requirements; and

1 and accessible to the individual or family
2 at the time of the noncompliance.

3 “(ii) NO BAN ON SANCTION IF INDIVIDUAL OR FAMILY FAILS TO TAKE ADVANTAGE OF ASSESSMENT OR SERVICES AND
4 DOES NOT COMPLY WITH WORK REQUIREMENTS.—Nothing in this paragraph shall
5 be construed as prohibiting a State that
6 has complied with the requirements of this
7 paragraph and section 408(b)(1) from im-
8 posing a sanction for noncompliance with
9 work requirements against an individual or
10 family who opts to not take full advantage
11 of the opportunity for assessment or the
12 services and supports made available to en-
13 sure that the individual or family can com-
14 ply with program requirements if such an
15 individual or family is not complying with
16 the State’s work requirements.

17 “(C) SANCTION FOLLOW-UP REQUIRE-
18 MENTS.—

19 “(i) IN GENERAL.—If a State imposes
20 a sanction on an individual or family for
21 failing to comply with program require-
22 ments, the State shall—

1 “(I) provide, at the time the
2 sanction is imposed and periodically
3 thereafter for at least 6 months, no-
4 tice (in at least 2 different forms) to
5 the individual or family of the reason
6 for the sanction and the steps the in-
7 dividual or family must take to end
8 the sanction;

9 “(II) reinstate the individual’s or
10 family’s full benefits if the individual
11 or family member who failed to meet
12 the program requirements that led to
13 the sanction complies with program
14 requirements for a reasonable period
15 of time and the individual or family is
16 otherwise eligible; and

17 “(III) if the sanction is time-lim-
18 ited, notify the individual or family at
19 least 10 days before the expiration of
20 the sanction of the date when the in-
21 dividual or family will no longer be in
22 sanction status and inform the indi-
23 vidual or family how assistance will be
24 reinstated.

1 “(ii) OUTREACH TO INDIVIDUALS AND
2 FAMILIES SANCTIONED WHO HAVE NOT
3 RESUMED RECEIVING CASH ASSISTANCE.—
4 If, during the 5-year period that ended on
5 the date of enactment of the Chance to
6 Succeed Act of 2003, a State imposed a
7 sanction against an individual or family
8 that resulted in the individual or family
9 losing all cash assistance under the State
10 program funded under this part, and the
11 individual or family did not resume receiv-
12 ing cash assistance at the end of the sanc-
13 tion period, the State shall make reason-
14 able efforts to identify such individuals and
15 families and notify them, using at least 2
16 methods of communication, 1 of which is
17 written, of the assistance, services, and
18 support they may be eligible to receive.

19 “(D) CONFIDENTIALITY.—The State, and
20 any individuals or entities acting as agents of
21 the State, shall not disclose any identifying in-
22 formation obtained through any process or pro-
23 cedure instituted pursuant to this paragraph
24 unless required or permitted to do so by law.

1 “(E) DEVELOPMENT OF STANDARDS, PRO-
2 CEDURES, TRAINING, AND SCREENING TOOLS.—
3 States and local governments shall, in consulta-
4 tion with Federal, State, tribal, or local experts
5 in the different barriers to employment, develop
6 standards, procedures, training, and screening
7 tools for use in carrying out this paragraph.”.

8 (c) PLAN REQUIREMENTS FOR INDIVIDUAL RESPON-
9 SIBILITY PLANS.—Section 408(b)(2)(A) of the Social Se-
10 curity Act (42 U.S.C. 608(b)(2)(A)) is amended to read
11 as follows:

12 “(A) REQUIREMENTS.—

13 “(i) IN GENERAL.—From the assess-
14 ment described in paragraph (1), the
15 State, in consultation with the individual
16 who is the subject of the assessment, shall
17 develop a personal responsibility plan,
18 that—

19 “(I) sets forth an employment
20 goal to move the individual into stable
21 employment;

22 “(II) sets forth the obligations of
23 the individual that will help the indi-
24 vidual become and remain employed
25 in the private sector;

1 “(III) describes the individual’s
2 long-term career goals and the specific
3 work experience, education, or training
4 needed to reach them; and

5 “(IV) identifies the services the
6 State will offer the individual’s family
7 based upon the assessment and evaluation
8 described in this section.

9 “(ii) MODIFICATION.—If the State is
10 unable to provide needed services to the individual or the individual’s family, the
11 State shall modify the personal responsibility plan to be consistent with the needs
12 of the individual, the family, and the capacity of the State.”.

16 (d) TECHNICAL ASSISTANCE.—The Secretary shall
17 coordinate with Federal, State, and tribal experts and
18 qualified professionals to determine, develop, and disseminate to States, and provide technical assistance with respect to, model practices, standards, and procedures for screening, assessment, addressing barriers, including multiple barriers, in a comprehensive manner, and moving individuals and families with barriers into employment, as well as model training materials for caseworkers.

1 (e) STATE PLAN REQUIREMENT.—Section
2 402(a)(1)(A) of the Social Security Act (42 U.S.C.
3 602(a)(1)(A)) is amended by adding at the end the fol-
4 lowing:

8 (f) COORDINATING EXEMPTIONS FROM WORK RE-
9 QUIREMENTS.—Section 408(a)(7)(C) of the Social Secu-
10 rity Act (42 U.S.C. 608(a)(7)(C)) is amended by adding
11 at the end the following:

1 (g) ADVISORY PANEL TO IMPROVE STATE POLICIES
2 AND PROCEDURES FOR ASSISTING INDIVIDUALS AND
3 FAMILIES WITH BARRIERS TO WORK.—

4 (1) MEMBERSHIP; CHAIR.—

5 (A) MEMBERSHIP.—Each State that re-
6 ceives a State family assistance grant under
7 section 403(a)(1) of the Social Security Act (42
8 U.S.C. 603(a)(1)) shall establish an advisory
9 panel consisting of representatives of the fol-
10 lowing:

11 (i) The State agency responsible for
12 administering the temporary assistance to
13 needy families program established under
14 part A of title IV of the Social Security
15 Act (42 U.S.C. 601 et seq.) (in this sub-
16 section referred to as the “TANF pro-
17 gram”).

18 (ii) Professionals from other State
19 agencies with expertise in barriers that
20 interfere with an individual’s or family’s
21 ability to work, such as physical or mental
22 impairments, substance abuse, domestic or
23 sexual violence, learning disabilities, lim-
24 ited English proficiency, limited literacy in
25 a primary language, and need to care for

1 a child with a disability or health condi-
2 tion.

3 (iii) Organizations representing indi-
4 viduals and families with such barriers.

5 (iv) Professionals with expertise in de-
6 signing and implementing policies and pro-
7 grams to successfully serve individuals and
8 families with such barriers.

9 (v) Individuals and families with such
10 barriers who are recipients of cash assist-
11 ance or support services under the TANF
12 program.

13 (B) CHAIR.—The chief executive officer of
14 the State shall appoint an individual who is not
15 a State employee to serve as chair of the advi-
16 sory panel.

17 (2) DUTIES.—

18 (A) IN GENERAL.—The advisory panel
19 shall review the efficacy of each program de-
20 scribed in subparagraph (B) to determine—

21 (i) the amount of funds spent on serv-
22 ices under the program;

23 (ii) the referral process for participa-
24 tion in the program, including whether in-

1 individuals and families received referrals
2 and services;

3 (iii) the effect services provided under
4 the program had on an individual's and
5 family's economic status; and

6 (iv) ways in which the State can im-
7 prove the effectiveness of its policies and
8 procedures to serve individuals and fami-
9 lies with barriers to work or program com-
10 pliance.

11 (B) PROGRAMS DESCRIBED.—For pur-
12 poses of subparagraph (A), a program described
13 in this subparagraph, is a program that—

14 (i) is funded under the TANF pro-
15 gram;

16 (ii) receives funding from amounts
17 made available under the State family as-
18 sistance grant made under section
19 403(a)(1) of the Social Security Act (42
20 U.S.C. 603(a)(1)); or

(iii) is funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i))).

(C) DEVELOPMENT OF MECHANISM FOR
REVIEW AND REPORTS BY LOCAL UNITS OF
GOVERNMENT.—In the case of a State in which
significant policy or spending decisions are
made in the State with respect to a program
described in subparagraph (B) at the county or
other local unit of government, then the advi-
sory panel shall develop a mechanism that re-
quires each county or other local unit of govern-
ment to—

11 (i) review its policies and procedures
12 with respect to that program and file a
13 written report with the advisory panel re-
14 garding how the policies and procedures
15 for the program are designed to assist in-
16 dividuals and families with barriers to
17 work; and

18 (ii) respond to any other requests for
19 information from the advisory panel re-
20 garding the TANF program.

21 (D) ADDITIONAL AUTHORITY.—In order to
22 carry out the duties described in this para-
23 graph, the advisory panel may hold such meet-
24 ings (in addition to the regular meetings re-
25 quired under paragraph (3)(C)) and such public

1 hearings, hire such staff, enter into the contract
2 required under paragraph (4)(B), and travel to
3 such locations of programs described in sub-
4 paragraph (B), as the panel determines to be
5 appropriate.

6 (3) DURATION; MEETINGS.—

7 (A) DURATION.—An advisory panel estab-
8 lished in accordance with this subsection shall
9 remain in effect for at least 3 years from the
10 date of the initial meeting of the panel.

11 (B) DEADLINE FOR INITIAL MEETING.—
12 Not later than the end of the first Federal fis-
13 cal year quarter that begins on or after the date
14 of enactment of this Act, the advisory panel
15 shall meet for its initial meeting.

16 (C) REGULAR MEETINGS.—The advisory
17 panel shall meet on a regular basis.

18 (4) REPORTS.—

19 (A) IN GENERAL.—Each advisory panel es-
20 tablished in accordance with this subsection
21 shall file the following reports with the Sec-
22 retary of Health and Human Services:

23 (i) Not later than 12 months after the
24 initial meeting of the advisory panel, an in-
25 terim report identifying areas where im-

6 (ii) Not later than 24 months after
7 such initial meeting, a progress report on
8 how the improvements identified in the re-
9 port required under clause (i) are being
10 made, whether additional improvements
11 are needed, including plans to make those
12 improvements, and that includes the report
13 of the independent evaluation entity re-
14 quired under subparagraph (B).

15 (iii) Not later than 36 months after
16 such initial meeting, a final report that de-
17 scribes how the programs described in sub-
18 paragraph (B) have been improved to as-
19 sist individuals and families with barriers
20 to work and identifies ongoing work that
21 will be needed to maintain the improve-
22 ments made.

23 (B) REQUIREMENTS FOR PROGRESS RE-
24 PORT.—In preparation for the progress report
25 required under subparagraph (A)(ii), the advi-

1 sory panel shall hire an independent evaluation
2 entity to assess the State's progress in meeting
3 the goals set forth by the advisory panel. In
4 States described in paragraph (2)(C), the inde-
5 pendent evaluation entity shall also assess the
6 progress being made at the county level or ap-
7 propriate other unit of local government.

8 (C) REPORTS TO CONGRESS.—The Sec-
9 retary of Health and Human Services shall
10 compile the reports submitted under subpara-
11 graph (A) and shall submit such compilations
12 to Congress as part of any annual report to
13 Congress on the TANF program.

14 (5) PUBLIC ACCESS.—

15 (A) IN GENERAL.—All materials collected
16 by or provided to the advisory panel and all re-
17 ports submitted by the advisory panel to the
18 State or the Secretary of Health and Human
19 Services shall be publicly available.

20 (B) OPPORTUNITY FOR PUBLIC COM-
21 MENT.—The advisory panel shall create oppor-
22 tunities to secure public comments on a draft of
23 each report to be submitted to the State or the
24 Secretary of Health and Human Services and

1 shall submit a summary of such comments with
2 the final draft of the report.

3 (6) FUNDING.—Out of funds made available to
4 carry out this subsection, the Secretary of Health
5 and Human Services shall pay each State that es-
6 tablishes an advisory panel in accordance with this
7 subsection, \$1,500,000, for the period of fiscal years
8 2004 through 2006.

9 (7) RULE OF CONSTRUCTION.—Nothing in this
10 paragraph shall be construed as authorizing an advi-
11 sory review panel established under this paragraph
12 to resolve complaints filed by individuals or entities
13 related to possible violations of laws protecting civil
14 rights.

15 (8) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to the Sec-
17 retary of Health and Human Services to carry out
18 this subsection, such sums as are necessary for each
19 of fiscal years 2004 through 2007.

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