

108TH CONGRESS
1ST SESSION

H. R. 624

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 HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2003

Mr. STARK (for himself, Mr. RANGEL, Mr. McDERMOTT, Mr. BACA, Mr. BECERRA, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Mr. HONDA, Ms. LEE, Mr. MARKEY, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. NADLER, Ms. NORTON, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. WATSON, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Ways and Means

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, physical rehabilitation,
 20 and mental health, mental retardation and develop-
 21 mental disabilities services.”; and

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

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

25 “(1) IN GENERAL.—With respect to an indi-
 26 vidual, a State may extend the 6-month period re-

1 ferred to in subsection (d)(13) for an additional pe-
 2 riod determined by the State, so long as the State
 3 periodically reassesses the appropriateness of the ac-
 4 tivities referred to in such subsection for the indi-
 5 vidual.

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

12 **SEC. 3. CREATION OF A SCREENING, ASSESSMENT, AND**
 13 **SERVICES PROCESS TO ADDRESS BARRIERS**
 14 **TO EMPLOYMENT.**

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

17 (1) by striking paragraph (1) and inserting the
 18 following:

19 “(1) ASSESSMENT PROVIDED FOR EACH INDIV-
 20 VIDUAL WHO RECEIVES ASSISTANCE.—

21 “(A) IN GENERAL.—The State agency re-
 22 sponsible for administering the State program
 23 funded under this part shall make an initial as-
 24 sessment of each adult individual who receives
 25 assistance under the program (and, in the case

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

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

10 “(i) INITIAL SCREENING.—

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

19 “(II) REQUIRED FACTORS TO BE
20 ASSESSED.—A trained caseworker
21 shall screen the individual for condi-
22 tions such as physical or mental im-
23 pairments, substance abuse, domestic
24 or sexual violence, learning disabili-
25 ties, limited English proficiency, lim-

1 ited literacy in a primary language,
2 and need to care for a child with a
3 disability or health condition which
4 may interfere with work or other pro-
5 gram requirements.

6 “(III) OPTIONAL ASSESSMENT
7 OF CHILD CARE NEEDS.—At the op-
8 tion of the individual, the State shall,
9 before assigning the individual to a
10 work activity under the State program
11 funded under this part, perform an
12 assessment of the individual’s child
13 care needs, and guarantee safe, appro-
14 priate, affordable quality child care to
15 any such individual who needs child
16 care.

17 “(IV) OPTIONAL ASSESSMENT OF
18 JOB PREPARATION.—At the option of
19 the individual, the State shall, before
20 assigning the individual to a work ac-
21 tivity under the State program funded
22 under this part, perform an individual
23 assessment for the preparation that is
24 needed for the individual to obtain
25 and maintain a job at a monthly wage

1 that is at least 200 percent of the
2 poverty line applicable to the family of
3 the individual.

4 “(ii) COMPREHENSIVE ASSESS-
5 MENT.—If an initial screening under
6 clause (i) suggests the existence of poten-
7 tial barriers to work or program compli-
8 ance, the individual may elect to partici-
9 pate in a comprehensive assessment con-
10 ducted by a qualified professional to con-
11 firm the existence of the barriers, deter-
12 mine the extent of the barriers, and de-
13 velop recommendations about appropriate
14 services and activities for the individual.

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

21 “(D) NOT CONSIDERED A PROGRAM RE-
22 QUIREMENT.—Participation by an individual or
23 by a member of the individual’s family in an as-
24 sessment under this paragraph shall not be con-

sidered a program requirement for the individual or the individual's family.

“(E) INCLUSION OF CASEWORKERS.—Nothing in subparagraph (B)(ii) shall be construed as prohibiting a caseworker from being a qualified professional for purposes of that subparagraph if the caseworker satisfies the requirements for being considered a qualified professional.”; and

(2) by striking paragraph (4).

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

“(12) REVIEW AND CONCILIATION PROCESS.—

“(A) IN GENERAL.—A State to which a grant is made under section 403 shall not impose a sanction against an individual or family under the State program funded under this part on the basis of noncompliance by an individual or family with a program requirement, unless the State satisfies the following requirements:

“(i) NOTICE.—The State has attempted, at least twice (using at least 2 different communication methods, 1 of

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

4 “(I) the impending imposition of
5 the sanction;

6 “(II) the reason for the proposed
7 sanction;

8 “(III) the amount of the sanc-
9 tion;

10 “(IV) the length of time during
11 which the proposed sanction would be
12 in effect; and

13 “(V) the steps required to come
14 into compliance or to show good cause
15 for noncompliance.

16 “(ii) REVIEW.—The State has af-
17 forded the individual or family an oppor-
18 tunity to meet with personnel outside the
19 agency that administers the State program
20 funded under this part who the State has
21 contracted with to make a determination
22 regarding why the individual or family did
23 not comply with the program requirement,
24 that is to be the basis on which the sanc-
25 tion is to be imposed, and that includes—

1 “(I) consideration of whether cer-
2 tain barriers to compliance exist that
3 contributed to the noncompliance of
4 the individual or family, such as a
5 physical or mental impairment, in-
6 cluding a mental health or substance
7 abuse disorder or mental retardation,
8 a learning disability, domestic or sex-
9 ual violence, limited proficiency in
10 English, limited literacy, or the need
11 to care for a child with a disability or
12 health condition;

13 “(II) consideration of whether
14 the individual or family has good
15 cause for failing to meet program re-
16 quirements;

17 “(III) consideration of whether
18 an additional assessment would assist
19 in identifying reasons for noncompli-
20 ance;

21 “(IV) consideration of whether
22 support services or changes to the
23 program requirements or activities to
24 which the individual or family has
25 been assigned are necessary in order

1 for the individual or family to comply
2 with program requirements; and

3 “(V) ensuring that the State’s
4 sanction policies have been applied
5 properly.

6 “(B) SANCTION LIMITATIONS.—

7 “(i) BAN ON IMPOSITION OF SANC-
8 TION IF NEEDED SCREENING, ASSESS-
9 MENT, OR SERVICES WERE UNAVAIL-
10 ABLE.—A State may not impose a sanction
11 against an individual or family under the
12 State program funded under this part on
13 the basis of noncompliance by an indi-
14 vidual or family with a program require-
15 ment if the individual whose conduct is the
16 basis of the sanction is in the process of
17 being screened or assessed for a mental
18 health problem, disability, substance abuse
19 problem, or sexual or domestic violence sit-
20 uation but the screening or assessment has
21 not been completed, or if services outlined
22 in the service plan developed for the indi-
23 vidual or family were not offered, available,
24 and accessible to the individual or family
25 at the time of the noncompliance.

1 “(ii) NO BAN ON SANCTION IF INDIVIDUAL OR FAMILY FAILS TO TAKE ADVANTAGE OF ASSESSMENT OR SERVICES AND DOES NOT COMPLY WITH WORK REQUIREMENTS.—Nothing in this paragraph shall be construed as prohibiting a State that has complied with the requirements of this paragraph and section 408(b)(1) from imposing a sanction for noncompliance with work requirements against an individual or family who opts to not take full advantage of the opportunity for assessment or the services and supports made available to ensure that the individual or family can comply with program requirements if such an individual or family is not complying with the State’s work requirements.

18 “(C) SANCTION FOLLOW-UP REQUIREMENTS.—

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

24 “(I) provide, at the time the sanction is imposed and periodically

1 thereafter for at least 6 months, no-
2 tice (in at least 2 different forms) to
3 the individual or family of the reason
4 for the sanction and the steps the in-
5 dividual or family must take to end
6 the sanction;

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

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

23 “(ii) OUTREACH TO INDIVIDUALS AND
24 FAMILIES SANCTIONED WHO HAVE NOT
25 RESUMED RECEIVING CASH ASSISTANCE.—

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

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

22 “(E) DEVELOPMENT OF STANDARDS, PRO-
23 CEDURES, TRAINING, AND SCREENING TOOLS.—
24 States and local governments shall, in consulta-
25 tion with Federal, State, tribal, or local experts

1 in the different barriers to employment, develop
2 standards, procedures, training, and screening
3 tools for use in carrying out this paragraph.”.

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

8 “(A) REQUIREMENTS.—

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

15 “(I) sets forth an employment
16 goal to move the individual into stable
17 employment;

18 “(II) sets forth the obligations of
19 the individual that will help the indi-
20 vidual become and remain employed
21 in the private sector;

22 “(III) describes the individual’s
23 long-term career goals and the specific
24 work experience, education, or train-
25 ing needed to reach them; and

1 “(IV) identifies the services the
2 State will offer the individual’s family
3 based upon the assessment and eval-
4 uation described in this section.

5 “(ii) MODIFICATION.—If the State is
6 unable to provide needed services to the in-
7 dividual or the individual’s family, the
8 State shall modify the personal responsi-
9 bility plan to be consistent with the needs
10 of the individual, the family, and the ca-
11 pacity of the State.”.

12 (d) TECHNICAL ASSISTANCE.—The Secretary shall
13 coordinate with Federal, State, and tribal experts and
14 qualified professionals to determine, develop, and dissemi-
15 nate to States, and provide technical assistance with re-
16 spect to, model practices, standards, and procedures for
17 screening, assessment, addressing barriers, including mul-
18 tiple barriers, in a comprehensive manner, and moving in-
19 dividuals and families with barriers into employment, as
20 well as model training materials for caseworkers.

21 (e) STATE PLAN REQUIREMENT.—Section
22 402(a)(1)(A) of the Social Security Act (42 U.S.C.
23 602(a)(1)(A)) is amended by adding at the end the fol-
24 lowing:

1 “(vii) Identify and serve individuals
2 and families with barriers to employment
3 as described in section 408(b)(1).”.

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

8 “(iv) FAMILIES EXEMPTED FROM
9 WORK REQUIREMENTS BY REASON OF BAR-
10 RIER TO WORK BY FAMILY MEMBER.—The
11 State shall exempt a family from the appli-
12 cation of subparagraph (A) of this para-
13 graph if the State permits a member of the
14 family (or, in the case of a State that re-
15 quires a caretaker for an individual who
16 receives assistance to engage in work, a
17 caretaker) to engage in activities to ad-
18 dress barriers, pursuant to section
19 407(d)(13), so long as the State deter-
20 mines that the individual is satisfactorily
21 participating in such activities.”.

22 (g) ADVISORY PANEL TO IMPROVE STATE POLICIES
23 AND PROCEDURES FOR ASSISTING INDIVIDUALS AND
24 FAMILIES WITH BARRIERS TO WORK.—

25 (1) MEMBERSHIP; CHAIR.—

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

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

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

24 (iii) Organizations representing indi-
25 viduals and families with such barriers.

1 (iv) Professionals with expertise in de-
2 signing and implementing policies and pro-
3 grams to successfully serve individuals and
4 families with such barriers.

5 (v) Individuals and families with such
6 barriers who are recipients of cash assist-
7 ance or support services under the TANF
8 program.

9 (B) CHAIR.—The chief executive officer of
10 the State shall appoint an individual who is not
11 a State employee to serve as chair of the advi-
12 sory panel.

13 (2) DUTIES.—

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

17 (i) the amount of funds spent on serv-
18 ices under the program;

19 (ii) the referral process for participa-
20 tion in the program, including whether in-
21 dividuals and families received referrals
22 and services;

23 (iii) the effect services provided under
24 the program had on an individual's and
25 family's economic status; and

1 (iv) ways in which the State can im-
2 prove the effectiveness of its policies and
3 procedures to serve individuals and fami-
4 lies with barriers to work or program com-
5 pliance.

6 (B) PROGRAMS DESCRIBED.—For pur-
7 poses of subparagraph (A), a program described
8 in this subparagraph, is a program that—

9 (i) is funded under the TANF pro-
10 gram;

11 (ii) receives funding from amounts
12 made available under the State family as-
13 sistance grant made under section
14 403(a)(1) of the Social Security Act (42
15 U.S.C. 603(a)(1)); or

16 (iii) is funded with qualified State ex-
17 penditures (as defined in section
18 409(a)(7)(B)(i) of such Act (42 U.S.C.
19 609(a)(7)(B)(i))).

20 (C) DEVELOPMENT OF MECHANISM FOR
21 REVIEW AND REPORTS BY LOCAL UNITS OF
22 GOVERNMENT.—In the case of a State in which
23 significant policy or spending decisions are
24 made in the State with respect to a program
25 described in subparagraph (B) at the county or

1 other local unit of government, then the advisory
2 panel shall develop a mechanism that re-
3 quires each county or other local unit of govern-
4 ment to—

5 (i) review its policies and procedures
6 with respect to that program and file a
7 written report with the advisory panel re-
8 garding how the policies and procedures
9 for the program are designed to assist in-
10 dividuals and families with barriers to
11 work; and

12 (ii) respond to any other requests for
13 information from the advisory panel re-
14 garding the TANF program.

15 (D) ADDITIONAL AUTHORITY.—In order to
16 carry out the duties described in this para-
17 graph, the advisory panel may hold such meet-
18 ings (in addition to the regular meetings re-
19 quired under paragraph (3)(C)) and such public
20 hearings, hire such staff, enter into the contract
21 required under paragraph (4)(B), and travel to
22 such locations of programs described in sub-
23 paragraph (B), as the panel determines to be
24 appropriate.

25 (3) DURATION; MEETINGS.—

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

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

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

12 (4) REPORTS.—

13 (A) IN GENERAL.—Each advisory panel es-
14 tablished in accordance with this subsection
15 shall file the following reports with the Sec-
16 retary of Health and Human Services:

17 (i) Not later than 12 months after the
18 initial meeting of the advisory panel, an in-
19 terim report identifying areas where im-
20 provement is needed with respect to State
21 policies and procedures to serve individuals
22 with barriers to work and the steps the
23 State is taking or plans to take to make
24 those improvements.

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

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

18 (B) REQUIREMENTS FOR PROGRESS RE-
19 PORT.—In preparation for the progress report
20 required under subparagraph (A)(ii), the advi-
21 sory panel shall hire an independent evaluation
22 entity to assess the State’s progress in meeting
23 the goals set forth by the advisory panel. In
24 States described in paragraph (2)(C), the inde-
25 pendent evaluation entity shall also assess the

1 progress being made at the county level or ap-
2 propriate other unit of local government.

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

9 (5) PUBLIC ACCESS.—

10 (A) IN GENERAL.—All materials collected
11 by or provided to the advisory panel and all re-
12 ports submitted by the advisory panel to the
13 State or the Secretary of Health and Human
14 Services shall be publicly available.

15 (B) OPPORTUNITY FOR PUBLIC COM-
16 MENT.—The advisory panel shall create oppor-
17 tunities to secure public comments on a draft of
18 each report to be submitted to the State or the
19 Secretary of Health and Human Services and
20 shall submit a summary of such comments with
21 the final draft of the report.

22 (6) FUNDING.—Out of funds made available to
23 carry out this subsection, the Secretary of Health
24 and Human Services shall pay each State that es-
25 tablishes an advisory panel in accordance with this

1 subsection, \$1,500,000, for the period of fiscal years
2 2003 through 2005.

3 (7) RULE OF CONSTRUCTION.—Nothing in this
4 paragraph shall be construed as authorizing an advisory review panel established under this paragraph
5 to resolve complaints filed by individuals or entities
6 related to possible violations of laws protecting civil
7 rights.
8

9 (8) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to the Secretary of Health and Human Services to carry out
11 this subsection, such sums as are necessary for each
12 of fiscal years 2003 through 2006.
13

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