

109TH CONGRESS
1ST SESSION

S. 456

To amend part A of title IV of the Social Security Act to permit a State to receive credit towards the work requirements under the temporary assistance for needy families program for recipients who are determined by appropriate agencies working in coordination to have a disability and to be in need of specialized activities.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2005

Mr. SMITH (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mr. ROCKEFELLER, and Ms. COLLINS) 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 permit a State to receive credit towards the work requirements under the temporary assistance for needy families program for recipients who are determined by appropriate agencies working in coordination to have a disability and to be in need of specialized activities.

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 2005”.

1 **SEC. 2. STATE OPTION TO RECEIVE CREDIT FOR RECIPI-**
2 **ENTS WHO ARE DETERMINED BY APPRO-**
3 **PRIATE AGENCIES WORKING IN COORDINA-**
4 **TION TO HAVE A DISABILITY AND TO BE IN**
5 **NEED OF SPECIALIZED ACTIVITIES.**

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

9 “(E) STATE OPTION TO RECEIVE CREDIT
10 FOR RECIPIENTS WHO ARE DETERMINED BY
11 APPROPRIATE AGENCIES WORKING IN COORDI-
12 NATION TO HAVE A DISABILITY AND TO BE IN
13 NEED OF SPECIALIZED ACTIVITIES.—

14 “(i) INITIAL 3-MONTH PERIOD.—At
15 the option of the State, if the State agency
16 responsible for administering the State
17 program funded under this part deter-
18 mines that an individual described in
19 clause (iv) is not able to meet the State’s
20 full work requirements, but is engaged in
21 activities prescribed by the State, the State
22 may deem the individual as being engaged
23 in work for purposes of determining
24 monthly participation rates under para-
25 graphs (1)(B)(i) and (2)(B) of subsection

1 (b) for not more than 3 months in any 24-
2 month period.

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

12 “(iii) RULES FOR CREDIT IN SUC-
13 CEEDING MONTHS.—

14 “(I) IN GENERAL.— If the State
15 agency responsible for administering
16 the State program funded under this
17 part works in collaboration or has a
18 referral relationship with other gov-
19 ernmental or private agencies with ex-
20 pertise in disability determinations or
21 appropriate services plans for adults
22 with disabilities (including agencies
23 that receive funds under this part)
24 and one of these entities determines
25 that an individual treated as being en-

1 gaged in work under clauses (i) and
2 (ii) continues to be unable to meet the
3 State’s full work requirements because
4 of the individual’s disability and con-
5 tinuing need for rehabilitative services
6 after the conclusion of the periods ap-
7 plicable under such clauses, then for
8 purposes of determining monthly par-
9 ticipation rates under paragraphs
10 (1)(B)(i) and (2)(B) of subsection (b),
11 the State may receive credit in accord-
12 ance with subclause (II) for certain
13 activities undertaken with respect to
14 the individual.

15 “(II) CREDIT FOR ACTIVITIES
16 UNDERTAKEN THROUGH COLLABO-
17 RATIVE AGENCY PROCESS.—Subject to
18 subclause (III), if the State under-
19 takes to provide services for an indi-
20 vidual to which subclause (I) applies
21 through a collaborative process that
22 includes governmental or private
23 agencies with expertise in disability
24 determinations or appropriate services
25 for adults with disabilities, the State

1 shall be credited for purposes of the
2 monthly participation rates deter-
3 mined under paragraphs (1)(B)(i) and
4 (2)(B) of subsection (b) with the less-
5 er of—

6 “(aa) the sum of the num-
7 ber of hours the individual par-
8 ticipates in an activity described
9 in paragraph (1), (2), (3), (4),
10 (5), (6), (7), (8), or (12) of sub-
11 section (d) for the month and the
12 number of hours that the indi-
13 vidual participates in rehabilita-
14 tion services under this clause for
15 the month; or

16 “(bb) twice the number of
17 hours the individual participates
18 in an activity described in para-
19 graph (1), (2), (3), (4), (5), (6),
20 (7), (8), or (12) of subsection (d)
21 for the month.

22 “(III) LIMITATION.—A State
23 shall not receive credit under this
24 clause towards the monthly participa-
25 tion rates under paragraphs (1)(B)(i)

1 and (2)(B) of subsection (b) unless
2 the State reviews the disability deter-
3 mination of an individual to which
4 subclause (I) applies and the activities
5 in which the individual is participating
6 not less than every 6 months.

7 “(iv) INDIVIDUAL DESCRIBED.—For
8 purposes of this subparagraph, an indi-
9 vidual described in this clause is an indi-
10 vidual who the State has determined has a
11 disability, including a substance abuse
12 problem, and would benefit from partici-
13 pating in rehabilitative services while com-
14 bining such participation with other work
15 activities.

16 “(v) DEFINITION OF DISABILITY.—In
17 this subparagraph, the term ‘disability’
18 means a physical or mental impairment,
19 including substance abuse, that—

20 “(I) constitutes or results in a
21 substantial impediment to employ-
22 ment; or

23 “(II) substantially limits 1 or
24 more major life activities.”

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) takes effect on October 1, 2005.

○