

116TH CONGRESS
2D SESSION

S. 4679

To require the Bureau of the Census to determine income and poverty levels in the United States in a manner that accounts for the receipt of Federal benefits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2020

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the Bureau of the Census to determine income and poverty levels in the United States in a manner that accounts for the receipt of Federal benefits, 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 “Poverty Measurement
5 Improvement Act”.

6 **SEC. 2. IMPROVING THE MEASUREMENT OF POVERTY IN**
7 **THE UNITED STATES.**

8 (a) DEFINITIONS.—In this section:

1 (1) FEDERAL BENEFIT.—The term “Federal
2 benefit” means a benefit, refundable tax credit, or
3 other form of assistance provided under any of the
4 following programs:

5 (A) Earned Income Tax Credit (refundable
6 portion).

7 (B) Child Tax Credit (refundable portion).

8 (C) Supplemental Security Income.

9 (D) Temporary Assistance for Needy Fam-
10 ilies.

11 (E) Title IV–E Foster Care.

12 (F) Title IV–E Adoption Assistance.

13 (G) Medicaid.

14 (H) SCHIP.

15 (I) Indian Health Services.

16 (J) PPACA refundable premium assistance
17 and cost sharing tax credit.

18 (K) Assets for Independence program.

19 (L) Supplemental Nutrition Assistance
20 Food Program.

21 (M) School Breakfast.

22 (N) School Lunch.

23 (O) Women, Infants, and Children (WIC)
24 Food Program.

25 (P) Child and Adult Care Food Program.

- 1 (Q) The Food Distribution Program on In-
2 dian Reservations (FDPIR).
- 3 (R) Nutrition Program for the Elderly.
- 4 (S) Seniors Farmers' Market Nutrition
5 Program.
- 6 (T) Commodity Supplemental Food Pro-
7 gram.
- 8 (U) Section 8 Housing.
- 9 (V) Public Housing.
- 10 (W) Housing for Persons with Disabilities.
- 11 (X) Home Investment Partnership Pro-
12 gram.
- 13 (Y) Rural Housing Service.
- 14 (Z) Rural Housing Insurance Fund.
- 15 (AA) Low-Income Home Energy Assist-
16 ance Program.
- 17 (BB) Universal Service Fund Low Income
18 Support Mechanism (subsidized phone services).
- 19 (CC) Pell Grants.
- 20 (DD) Supplemental Educational Oppor-
21 tunity Grants.
- 22 (EE) American Opportunity Tax Credit
23 (refundable portion).
- 24 (FF) Healthy Start.
- 25 (GG) Job Corps.

1 (HH) Head Start (including Early Head
2 Start).

3 (II) Weatherization Assistance.

4 (JJ) Chafee Foster Care Independence
5 Program.

6 (KK) Child Care Subsidies from the Child
7 Care and Development Fund.

8 (LL) Child Care from the Temporary As-
9 sistance for Needy Families Block Grant.

10 (MM) Emergency Assistance to Needy
11 Families with Children.

12 (NN) Senior Community Service Employ-
13 ment Program.

14 (OO) Migrant and Seasonal Farm Workers
15 Training Program.

16 (PP) Indian and Native American Employ-
17 ment and Training Program.

18 (QQ) Independent Living Education and
19 Training Vouchers.

20 (2) RESOURCE UNIT.—The term “resource
21 unit” means all co-resident individuals who are re-
22 lated by birth, marriage, or adoption, plus any co-
23 resident unrelated children, foster children, and un-
24 married partners and their relatives.

1 (3) EARNED INCOME.—The term “earned in-
2 come” means individual income from the following:

3 (A) Earnings.

4 (B) Interest.

5 (C) Dividends.

6 (D) Rents, royalties, and estates and
7 trusts.

8 (E) The monetary value of employer-spon-
9 sored health insurance benefits.

10 (F) Other forms of income, as determined
11 by the Director.

12 (4) ENTITLEMENT AND OTHER INCOME.—The
13 term “entitlement and other income” means income
14 from the following:

15 (A) Unemployment (insurance) compensa-
16 tion.

17 (B) Workers’ compensation.

18 (C) Social Security.

19 (D) Veterans’ payments and benefits.

20 (E) Survivor benefits.

21 (F) Disability benefits (not including bene-
22 fits under the Supplemental Security Income
23 program).

24 (G) Pension or retirement income.

25 (H) Alimony.

1 (I) Child support.

2 (J) Financial assistance from outside of
3 the household.

4 (K) Medicare.

5 (5) ENTITLEMENT AND EARNED UNIT IN-
6 COME.—The term “entitlement and earned unit in-
7 come” means the sum of all earned income and enti-
8 tlement and other income.

9 (6) INCOME TAX DATA.—The term “income tax
10 data” means return information, as such term is de-
11 fined under section 6103(b)(2) of the Internal Rev-
12 enue Code of 1986.

13 (7) ADMINISTERING AGENCY.—The term “ad-
14 ministering agency” means a State or Federal agen-
15 cy responsible for administering a Federal benefit.

16 (8) TOTAL RESOURCE UNIT INCOME.—The
17 term “total resource unit income” means, with re-
18 spect to a resource unit, an amount equal to—

19 (A) the sum of—

20 (i) all earned income attributable to
21 members of the unit;

22 (ii) all entitlement and other income
23 attributable to members of the unit; and

1 (iii) an amount, or cash equivalent, of
2 all Federal benefits received by members of
3 the unit; minus

4 (B) all State and Federal income and pay-
5 roll taxes attributable to members of the unit.

6 (9) EARNED RESOURCE UNIT INCOME.—The
7 term “earned resource unit income” means, with re-
8 spect to a resource unit, all earned income attrib-
9 utable to members of the unit.

10 (10) PERSONALLY IDENTIFIABLE INFORMA-
11 TION.—The term “personally identifiable informa-
12 tion” means any information that identifies an indi-
13 vidual or could reasonably be used to identify an in-
14 dividual that is—

15 (A) collected pursuant to a survey con-
16 ducted by the Bureau of the Census; or

17 (B) disclosed to the Bureau of the Census
18 by an administering agency for the purpose of
19 carrying out subsection (b).

20 (11) DIRECTOR.—The term “Director” means
21 the Director of the Bureau of the Census.

22 (b) VERIFICATION OF DATA COLLECTED IN THE AN-
23 NUAL SOCIAL AND ECONOMIC SUPPLEMENT TO THE CUR-
24 RENT POPULATION SURVEY.—

1 (1) IN GENERAL.—Beginning in fiscal year
2 2021, in order to more accurately determine the ex-
3 tent of poverty in the United States and the anti-
4 poverty effectiveness of Federal benefit programs,
5 the Director shall supplement the data collected
6 under the Annual Social and Economic Supplement
7 to the Current Population Survey with data from
8 the appropriate administering agencies related to the
9 following:

10 (A) Participation in any Federal benefit
11 program and the monetary or cash equivalent
12 value of such benefit for an individual, where
13 possible, and otherwise for resource units or
14 households.

15 (B) The total amount of earned income for
16 individuals.

17 (C) The total amount of entitlement and
18 other income for individuals.

19 (D) Payment of income taxes and payroll
20 taxes for individuals.

21 (E) Total resource unit income.

22 (F) Total earned resource unit income.

23 (2) ADMINISTERING AGENCY DATA.—Not later
24 than 6 months after receiving a request from the Di-
25 rector, the head of each administering agency shall

1 make available to the Director such data (including
2 income tax data) as the Director shall require for
3 the purpose of carrying out this subsection and for
4 the purposes outlined in section 6 of title 13, United
5 States Code.

6 (3) PUBLICATION OF DATA.—

7 (A) RATES AND OTHER DATA.—

8 (i) REPORT.—The Director shall sub-
9 mit to Congress, not later than January 1,
10 2023, a report detailing the implementa-
11 tion of this Act, including—

12 (I) the availability of related
13 data;

14 (II) the quality of the data; and

15 (III) the methodology proposed
16 for assigning dollar values to the re-
17 ceipt of noncash Federal benefits.

18 (ii) TABLES AND GRAPHS.—The Di-
19 rector shall produce tables and graphs
20 showing for each year the poverty rates
21 and related data calculated using data col-
22 lected under paragraph (1), including—

23 (I) the total resource unit income
24 for survey respondents;

1 (II) the total earned resource
2 unit income for survey respondents;

3 (III) a breakdown of the amount
4 of income taxes and payroll taxes at-
5 tributable to survey respondents; and

6 (IV) for 2024 and subsequent
7 years, poverty rates calculated using
8 updated poverty thresholds as de-
9 scribed in clause (iii).

10 (iii) UPDATED POVERTY THRESH-
11 OLDS.—For 2024 and subsequent years,
12 the Director shall adjust the poverty
13 thresholds used for determining poverty
14 rates by using the personal consumption
15 expenditure price index (as published by
16 the Bureau of Economic Analysis).

17 (B) CONFIDENTIALITY.—Consistent with
18 the provisions of sections 8, 9, and 23(c) of title
19 13, United States Code, the Director shall en-
20 sure the confidentiality of information furnished
21 to the Director under this subsection.

22 (c) PROTECTION AND DISCLOSURE OF PERSONALLY
23 IDENTIFIABLE INFORMATION.—

24 (1) IN GENERAL.—The security, disclosure, and
25 confidentiality provisions set forth in sections 9 and

1 23 of title 13, United States Code, shall apply to
2 personally identifiable information obtained by the
3 Bureau of the Census pursuant to this Act.

4 (2) RESTRICTED ACCESS TO PERSONALLY
5 IDENTIFIABLE INFORMATION.—Access to personally
6 identifiable information collected to supplement the
7 restricted-use Current Population Survey Annual So-
8 cial and Economic Supplements in accordance with
9 subsection (b)(1) shall be available only to those who
10 have access to the Current Population Survey data
11 with the permission of the Bureau of the Census and
12 in accordance with any other applicable provision of
13 law.

14 (3) PENALTIES.—Any individual who knowingly
15 accesses or discloses personally identifiable informa-
16 tion in violation of this section shall be guilty of a
17 felony and upon conviction thereof shall be fined in
18 an amount of not more than \$300,000 under title
19 18, United States Code, or imprisoned for not more
20 than five years, or both.

21 (d) STATE REPORTING OF FEDERAL DATA.—Begin-
22 ning with the first full calendar year that begins after the
23 date of enactment of this Act, with respect to any Federal
24 benefit that is administered at the State level by a State
25 administering agency, such State administering agency

1 shall submit each year to the Federal administering agen-
2 cy responsible for administering the benefit at the Federal
3 level a report that identifies each resource unit that re-
4 ceived such benefits during such year by the personally
5 identifiable information of the head of the resource unit
6 and the amount, or cash equivalent, of such benefit re-
7 ceived by such resource unit.

8 **SEC. 3. COMMISSION ON VALUATION OF GOVERNMENT**
9 **BENEFITS.**

10 (a) ESTABLISHMENT.—There is established within
11 the United States Census Bureau a commission, to be
12 known as the “Commission on Valuation of Federal Bene-
13 fits” (referred to in this section as the “Commission”).

14 (b) COMPOSITION.—

15 (1) IN GENERAL.—The Commission shall be
16 composed of 8 members, of whom—

17 (A) 2 members shall be appointed by the
18 majority leader of the Senate;

19 (B) 2 members shall be appointed by the
20 minority leader of the Senate;

21 (C) 2 members shall be appointed by the
22 Speaker of the House of Representatives; and

23 (D) 2 members shall be appointed by the
24 minority leader of the House of Representa-
25 tives.

1 (2) CO-CHAIRS.—Of the members of the Com-
2 mission—

3 (A) 1 co-chair shall be designated by the
4 majority leader of the Senate; and

5 (B) 1 co-chair shall be designated by the
6 Speaker of the House of Representatives.

7 (3) QUALIFICATIONS.—Each member appointed
8 to the Commission shall have experience in—

9 (A) quantitative policy research; and

10 (B) welfare or poverty studies.

11 (c) INITIAL MEETING.—Not later than 60 days after
12 the date on which the last member is appointed under sub-
13 section (b), the Commission shall hold an initial meeting.

14 (d) QUORUM.—Six members of the Commission shall
15 constitute a quorum.

16 (e) NO PROXY VOTING.—Proxy voting by members
17 of the Commission shall be prohibited.

18 (f) STAFF.—The Director of the Census Bureau shall
19 appoint an executive director of the Commission.

20 (g) TRAVEL EXPENSES.—Members of the Commis-
21 sion shall serve without pay, but shall receive travel ex-
22 penses in accordance with sections 5702 and 5703 of title
23 5, United States Code.

24 (h) DUTIES OF COMMISSION.—

25 (1) RECOMMENDATIONS.—

1 (A) IN GENERAL.—The Commission shall
2 produce recommendations for the valuation of
3 Federal benefits listed under section 2(a)(1) for
4 the purpose of United States Census Bureau
5 estimates of the Federal Poverty Level, includ-
6 ing non-cash benefits.

7 (2) REPORT.—

8 (A) IN GENERAL.—Not later than 270
9 days after the date of enactment of this Act,
10 the Commission shall submit to Congress a re-
11 port of the recommendations required under
12 paragraph (1), including a detailed statement of
13 methodology and reasoning behind rec-
14 ommendations.

15 (B) PUBLIC AVAILABILITY.—The report
16 required by subparagraph (A) shall be made
17 available on an internet website of the United
18 States Government that is available to the pub-
19 lic.

20 (i) POWERS OF COMMISSION.—On request by the ex-
21 ecutive director of the Commission, the head of a Federal
22 agency shall furnish information to the Commission.

23 (j) TERMINATION OF COMMISSION.—The Commis-
24 sion shall terminate 90 days after the date on which the
25 Commission submits the report under subsection (h)(2).

1 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$1,000,000 to carry out this
3 section.

4 **SEC. 4. GAO REPORTS ON EFFECT OF SUPPLEMENTARY**
5 **DATA ON CALCULATION OF POVERTY RATES**
6 **AND RELATED MEASURES.**

7 Not later than January 1, 2025, and every 2 years
8 thereafter, the Comptroller General of the United States
9 shall submit to Congress a report that compares the pov-
10 erty rates and related measures calculated under the An-
11 nual Social and Economic Supplement to the Current Pop-
12 ulation Survey with the poverty rates and related meas-
13 ures calculated using the data collected under section
14 2(b)(1).

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