

114TH CONGRESS
2D SESSION

S. 3472

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2016

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 conduct a survey to determine income and poverty levels in the United States in a manner that accounts for the receipt of Federal means-tested 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 MEANS-TESTED BENEFIT.—The
2 term “Federal means-tested benefit” means a ben-
3 efit, refundable tax credit, or other form of assist-
4 ance provided under any of the following programs:

5 (A) CASH AND GENERAL PROGRAMS.—

6 (i) Supplemental Security Income.

7 (ii) Earned Income Tax Credit (re-
8 fundable portion).

9 (iii) Additional Child Tax Credit.

10 (iv) Temporary Assistance to Needy
11 Families.

12 (v) Title IV–E Foster Care.

13 (vi) Title IV–E Adoption Assistance.

14 (vii) Social Security Disability Insur-
15 ance.

16 (B) MEDICAL.—

17 (i) Medicaid.

18 (ii) State Children’s Health Insurance
19 Program.

20 (iii) Refundable Premiums and Out of
21 Pocket Subsidies under the Patient Protec-
22 tion and Affordable Health Care Act
23 (PPACA).

24 (C) FOOD.—

1 (i) Supplemental Nutrition Assistance
2 Food Program (Agriculture).

3 (ii) Women, Infant and Children
4 (WIC) Food Program (Agriculture).

5 (iii) School Breakfast (Agriculture).

6 (D) HOUSING.—

7 (i) Section 8 Housing (HUD).

8 (ii) Public Housing (HUD).

9 (iii) Home Investment Partnership
10 Program (HUD).

11 (iv) Rural Housing Insurance Fund
12 (Agriculture).

13 (v) Rural Housing Service (Agri-
14 culture).

15 (2) HOUSEHOLD.—The term “household”
16 means a householder and one or more people related
17 to the householder by birth, marriage, or adoption.

18 (3) TOTAL FAMILY INCOME.—The term “total
19 family income” means, with respect to a household,
20 an amount equal to—

21 (A) the sum of—

22 (i) all money income (as defined by
23 the Bureau of the Census) earned by the
24 members of the household; and

1 (ii) the amount, or cash equivalent, of
 2 all Federal means-tested benefits received
 3 by the members of the household; minus
 4 (B) State and Federal income and payroll
 5 taxes attributable to the members of the house-
 6 hold.

7 (4) INCOME TAX DATA.—The term “income tax
 8 data” means return information disclosed to the Bu-
 9 reau of the Census under section 6103(j)(1)(A) of
 10 the Internal Revenue Code of 1986.

11 (5) ADMINISTERING AGENCY.—The term “ad-
 12 ministering agency” means a State or Federal agen-
 13 cy responsible for administering a Federal means-
 14 tested benefit, and includes the following agencies:

15 (A) The Social Security Administration.

16 (B) The Department of the Treasury.

17 (C) The Department of Health and
 18 Human Services.

19 (D) The Department of Housing and
 20 Urban Development.

21 (E) The Department of Agriculture.

22 (6) PERSONALLY IDENTIFIABLE INFORMA-
 23 TION.—The term “personally identifiable informa-
 24 tion” means any information that identifies an indi-

1 vidual or could reasonably be used to identify an in-
2 dividual that is—

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

5 (B) disclosed to the Bureau of the Census
6 by an administering agency for the purpose of
7 carrying out subsection (b).

8 (7) DIRECTOR.—The term “Director” means
9 the Director of the Bureau of the Census.

10 (b) NEW POVERTY MEASUREMENT LINKING SUR-
11 VEY, ADMINISTRATIVE, AND INCOME DATA.—

12 (1) IN GENERAL.—Each fiscal year during the
13 period that begins with fiscal year 2017 and ends
14 with fiscal year 2027, in order to more accurately
15 determine the extent of poverty in the United States
16 and the anti-poverty effectiveness of means-tested
17 benefit and tax programs, the Director shall conduct
18 a new survey of income and poverty in the United
19 States, and shall supplement and verify the informa-
20 tion obtained pursuant to such survey using the fol-
21 lowing:

22 (A) Data from the most recent available
23 Current Population Survey.

24 (B) Data furnished by administering agen-
25 cies.

1 (C) Income tax data.

2 (2) ADMINISTERING AGENCY DATA.—

3 (A) IN GENERAL.—The head of each ad-
4 ministering agency shall make available to the
5 Director such data (including income tax data)
6 as the Director shall require for the purpose of
7 carrying out this subsection.

8 (B) PAYMENT OF EXPENSES.—The Direc-
9 tor shall pay for the data described in subpara-
10 graphs (B) and (C) of paragraph (1) in such
11 amount, if any (not exceeding the cost of fur-
12 nishing the data), as may be determined by the
13 head of the applicable agency that furnishes the
14 data.

15 (3) PUBLICATION OF SURVEY DATA.—

16 (A) SURVEY METHODS AND RESPONSES.—
17 The Director of the Bureau of the Census shall
18 publish the methods used to carry out the sur-
19 vey required under paragraph (1), the number
20 of households surveyed, the rate of responses,
21 and the extent of survey completion.

22 (B) RATES AND OTHER DATA.—

23 (i) IN GENERAL.—The Director of the
24 Bureau of the Census shall produce tables
25 and graphs showing for each year the pov-

1 erty rates and related data calculated
2 using the survey responses and other data
3 collected under paragraph (1), including—

4 (I) the total family income for
5 survey respondents;

6 (II) a breakdown of the amount
7 of income taxes and payroll taxes paid
8 by survey respondents; and

9 (III) for 2018 and subsequent
10 years, poverty rates calculated using
11 updated poverty thresholds as de-
12 scribed in clause (ii).

13 (ii) UPDATED POVERTY THRESH-
14 OLDS.—For 2018 and subsequent years,
15 the Director shall adjust the poverty
16 thresholds used for determining poverty
17 rates by using the personal consumer ex-
18 penditure price index (as published by the
19 Bureau of Economic Analysis).

20 (C) CREATION OF A PUBLIC DATABASE.—

21 The Director shall create a database, available
22 at the Director's discretion to researchers who
23 meet the security requirements described in
24 subsection (c)(4), that contains—

1 (i) data from the survey required
2 under paragraph (1); and

3 (ii) data described in subparagraphs
4 (A) and (B) of paragraph (1).

5 (D) NO PUBLICATION OF PERSONALLY
6 IDENTIFIABLE INFORMATION.—The Director
7 shall ensure that no personally identifiable in-
8 formation is included in any publication of sur-
9 vey information or other data collected under
10 this section, including the database created pur-
11 suant to subparagraph (C).

12 (e) PROTECTION AND DISCLOSURE OF PERSONALLY
13 IDENTIFIABLE INFORMATION.—

14 (1) IN GENERAL.—The security, disclosure, and
15 confidentiality provisions set forth in this Act and
16 sections 9 and 23 of title 13, United States Code,
17 shall apply to personally identifiable information ob-
18 tained by the Bureau of the Census pursuant to this
19 Act.

20 (2) ASSIGNMENT OF RECORD IDENTIFICATION
21 KEYS.—All personally identifiable information shall
22 be removed from individual records, which shall be
23 given record identification keys for purposes of iden-
24 tification.

1 (3) STAFF ACCESS TO PERSONALLY IDENTIFI-
2 ABLE INFORMATION.—An officer or employee of the
3 Bureau of the Census or a representative from an
4 administering agency may access personally identifi-
5 able information if such officer, employee, or rep-
6 resentative has the special sworn status require-
7 ments implemented by the Bureau of the Census
8 under section 9 and section 23 of title 13, United
9 States Code.

10 (4) PUBLIC ACCESS TO PERSONALLY IDENTIFI-
11 ABLE INFORMATION.—The Director may disclose
12 personally identifiable information to an individual
13 who has special sworn status as implemented by the
14 Bureau of the Census under section 9 and section
15 23 of title 12, United States Code.

16 (5) PENALTIES.—Any individual who knowingly
17 accesses or discloses personally identifiable informa-
18 tion in violation of this section shall be guilty of a
19 felony and upon conviction thereof shall be fined in
20 an amount of not more than \$300,000 under title
21 18, United States Code, or imprisoned for not more
22 than five years, or both.

23 (6) INADMISSIBILITY OF SURVEY DATA.—Data
24 contained in a response to a survey conducted pur-
25 suant to subsection (b)(1) shall not be admissible as

1 evidence in any proceeding of any court, agency,
2 board, or other entity.

3 (d) STATE REPORTING OF FEDERAL MEANS-TESTED
4 DATA.—Beginning with the first full calendar year that
5 begins after the date of enactment of this Act, with respect
6 to any Federal means-tested benefit that is administered
7 at the State level by a State administering agency, such
8 State administering agency shall submit each year to the
9 Federal administering agency responsible for admin-
10 istering the benefit at the Federal level a report that iden-
11 tifies each household that received such benefits during
12 such year by the social security number of the head of
13 the household and the amount, or cash equivalent, of such
14 benefit received by such household.

15 (e) COMPARISON OF INDIVIDUAL SURVEY DATA TO
16 CONSUMER EXPENDITURE SURVEY.—Beginning with the
17 first full calendar year that begins after the date of enact-
18 ment of this Act and each year thereafter, the Bureau of
19 the Census shall, in coordination with the Bureau of
20 Labor Statistics, provide summary statistics comparing
21 the income levels (constructed using all available adminis-
22 trative, income, and Current Population Survey data) of
23 respondents to the Consumer Expenditure Survey con-
24 ducted by the Bureau of Labor Statistics to the consump-
25 tion habits of such respondents.

1 (f) GAO REPORT.—Not later than 2 years after the
2 date of the enactment of this Act, the Comptroller General
3 of the United States shall submit a report to Congress
4 comparing the income measure created in section 3 to the
5 income measure used by the Bureau of the Census for pur-
6 poses of calculating the supplemental poverty measure.

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