

117TH CONGRESS
1ST SESSION

S. 1052

To improve the poverty measurement methodology used by the Bureau of the Census to more accurately measure poverty in the United States.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2021

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

A BILL

To improve the poverty measurement methodology used by the Bureau of the Census to more accurately measure poverty in the United States.

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:

9 (1) FEDERAL BENEFIT.—The term “Federal
10 benefit” means a benefit, refundable tax credit, or

1 other form of assistance provided under any of the
2 following programs:

3 (A) Earned Income Tax Credit (refundable
4 portion).

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

6 (C) Supplemental Security Income.

7 (D) Temporary Assistance for Needy Fam-
8 ilies.

9 (E) Title IV–E Foster Care.

10 (F) Title IV–E Adoption Assistance.

11 (G) Medicaid.

12 (H) SCHIP.

13 (I) Indian Health Services.

14 (J) PPACA refundable premium assistance
15 and cost sharing tax credit.

16 (K) Assets for Independence program.

17 (L) Supplemental Nutrition Assistance
18 Food Program.

19 (M) School Breakfast.

20 (N) School Lunch.

21 (O) Women, Infants, and Children (WIC)
22 Food Program.

23 (P) Child and Adult Care Food Program.

24 (Q) The Food Distribution Program on In-
25 dian Reservations (FDPIR).

1 (R) Nutrition Program for the Elderly.

2 (S) Seniors Farmers' Market Nutrition
3 Program.

4 (T) Commodity Supplemental Food Pro-
5 gram.

6 (U) Section 8 Housing.

7 (V) Public Housing.

8 (W) Housing for Persons with Disabilities.

9 (X) Home Investment Partnership Pro-
10 gram.

11 (Y) Rural Housing Service.

12 (Z) Rural Housing Insurance Fund.

13 (AA) Low-Income Home Energy Assist-
14 ance Program.

15 (BB) Universal Service Fund Low Income
16 Support Mechanism (subsidized phone services).

17 (CC) Pell Grants.

18 (DD) Supplemental Educational Oppor-
19 tunity Grants.

20 (EE) American Opportunity Tax Credit
21 (refundable portion).

22 (FF) Healthy Start.

23 (GG) Job Corps.

24 (HH) Head Start (including Early Head
25 Start).

1 (II) Weatherization Assistance.

2 (JJ) Chafee Foster Care Independence
3 Program.

4 (KK) Child Care Subsidies from the Child
5 Care and Development Fund.

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

8 (MM) Emergency Assistance to Needy
9 Families with Children.

10 (NN) Senior Community Service Employ-
11 ment Program.

12 (OO) Migrant and Seasonal Farm Workers
13 Training Program.

14 (PP) Indian and Native American Employ-
15 ment and Training Program.

16 (QQ) Independent Living Education and
17 Training Vouchers.

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

23 (3) MARKET INCOME.—The term “market in-
24 come” means individual income from the following:

25 (A) Earnings.

1 (B) Interest.

2 (C) Dividends.

3 (D) Rents, royalties, and estates and
4 trusts.

5 (E) The monetary value of employer-spon-
6 sored health insurance benefits.

7 (F) Other forms of income, as determined
8 by the Director.

9 (4) ENTITLEMENT AND OTHER INCOME.—The
10 term “entitlement and other income” means income
11 from the following:

12 (A) Unemployment (insurance) compensa-
13 tion.

14 (B) Workers’ compensation.

15 (C) Social Security.

16 (D) Veterans’ payments and benefits.

17 (E) Survivor benefits.

18 (F) Disability benefits (not including bene-
19 fits under the Supplemental Security Income
20 program).

21 (G) Pension or retirement income.

22 (H) Alimony.

23 (I) Child support.

24 (J) Financial assistance from outside of
25 the household.

1 (K) Medicare.

2 (5) ENTITLEMENT AND EARNED UNIT IN-
3 COME.—The term “entitlement and earned unit in-
4 come” means the sum of all market income and en-
5 titlement and other income.

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

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

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

16 (A) the sum of—

17 (i) all market income attributable to
18 members of the unit;

19 (ii) all entitlement and other income
20 attributable to members of the unit; and

21 (iii) an amount, or cash equivalent, of
22 all Federal benefits received by members of
23 the unit; minus

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

1 (9) EARNED RESOURCE UNIT INCOME.—The
 2 term “earned resource unit income” means, with re-
 3 spect to a resource unit, all market income attrib-
 4 utable to members of the unit.

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

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

12 (B) disclosed to the Bureau of the Census
 13 by an administering agency for the purpose of
 14 carrying out subsection (b).

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

17 (b) VERIFICATION OF DATA COLLECTED IN THE AN-
 18 NUAL SOCIAL AND ECONOMIC SUPPLEMENT TO THE CUR-
 19 RENT POPULATION SURVEY.—

20 (1) IN GENERAL.—Beginning in fiscal year
 21 2021, in order to more accurately determine the ex-
 22 tent of poverty in the United States and the anti-
 23 poverty effectiveness of Federal benefit programs,
 24 the Director shall collect, in addition to the data col-
 25 lected under the Annual Social and Economic Sup-

1 plement to the Current Population Survey, data
2 from the appropriate administering agencies related
3 to the following:

4 (A) Participation in any Federal benefit
5 program and the monetary or cash equivalent
6 value of such benefit for an individual, where
7 possible, and otherwise for resource units or
8 households.

9 (B) The total amount of market income
10 for individuals.

11 (C) The total amount of entitlement and
12 other income for individuals.

13 (D) Payment of income taxes and payroll
14 taxes for individuals.

15 (E) Total resource unit income.

16 (F) Total earned resource unit income.

17 (G) Any other information about benefits
18 or income received by individuals that the Di-
19 rector determines necessary to carry out this
20 section and that is not included in the data re-
21 lating to participation in Federal benefit pro-
22 grams or market income for individuals.

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) the total of all amounts de-
4 scribed in subparagraphs (A) through
5 (G) of paragraph (1) that are received
6 by survey respondents;

7 (IV) a breakdown of the amount
8 of income taxes and payroll taxes at-
9 tributable to survey respondents; and

10 (V) for 2024 and subsequent
11 years, poverty rates calculated using
12 updated poverty thresholds as de-
13 scribed in clause (iii).

14 (iii) UPDATED POVERTY THRESH-
15 OLDS.—For 2024 and subsequent years,
16 the Director shall, in addition to the offi-
17 cial poverty line (as defined by the Office
18 of Management and Budget) and the sup-
19 plemental poverty measure, provide an al-
20 ternative poverty measure that uses the
21 personal consumption expenditure price
22 index (as published by the Bureau of Eco-
23 nomic Analysis) and accounts for the data
24 collected under paragraph (1). The Direc-
25 tor shall provide a comparison of the offi-

1 cial poverty line (as defined by the Office
 2 of Management and Budget), the supple-
 3 mental poverty measure rate as defined by
 4 the Bureau of the Census, and the alter-
 5 native poverty rate created using the alter-
 6 native poverty measure under this Act.

7 (iv) RULE OF CONSTRUCTION.—The
 8 Office of Management and Budget shall
 9 not use the additional data collected by the
 10 Director pursuant to paragraph (1) for
 11 purposes of defining the official poverty
 12 line.

13 (B) CONFIDENTIALITY.—Consistent with
 14 the provisions of sections 8, 9, and 23(c) of title
 15 13, United States Code, the Director shall en-
 16 sure the confidentiality of information furnished
 17 to the Director under this subsection.

18 (c) PROTECTION AND DISCLOSURE OF PERSONALLY
 19 IDENTIFIABLE INFORMATION.—

20 (1) IN GENERAL.—The security, disclosure, and
 21 confidentiality provisions set forth in sections 9 and
 22 23 of title 13, United States Code, shall apply to
 23 personally identifiable information obtained by the
 24 Bureau of the Census pursuant to this Act.

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

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

18 (d) STATE REPORTING OF FEDERAL DATA.—Begin-
19 ning with the first full calendar year that begins after the
20 date of enactment of this Act, with respect to any Federal
21 benefit that is administered at the State level by a State
22 administering agency, such State administering agency
23 shall submit each year to the Federal administering agen-
24 cy responsible for administering the benefit at the Federal
25 level a report that identifies each resource unit that re-

1 ceived such benefits during such year by the personally
 2 identifiable information of the head of the resource unit
 3 and the amount, or cash equivalent, of such benefit re-
 4 ceived by such resource unit.

5 **SEC. 3. COMMISSION ON VALUATION OF GOVERNMENT**
 6 **BENEFITS.**

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

11 (b) COMPOSITION.—

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

14 (A) 2 members shall be appointed by the
 15 majority leader of the Senate;

16 (B) 2 members shall be appointed by the
 17 minority leader of the Senate;

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

20 (D) 2 members shall be appointed by the
 21 minority leader of the House of Representa-
 22 tives.

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

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

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

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

7 (A) quantitative policy research; and

8 (B) welfare or poverty studies.

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

12 (d) QUORUM.—Six members of the Commission shall
13 constitute a quorum.

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

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

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

22 (h) DUTIES OF COMMISSION.—

23 (1) RECOMMENDATIONS.—

24 (A) IN GENERAL.—The Commission shall
25 produce recommendations for the valuation of

1 Federal benefits listed under section 2(a)(1) for
2 the purpose of United States Census Bureau
3 estimates of the Federal Poverty Level, includ-
4 ing non-cash benefits.

5 (2) REPORT.—

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

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

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

21 (j) TERMINATION OF COMMISSION.—The Commis-
22 sion shall terminate 90 days after the date on which the
23 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).

15 **SEC. 5. RULE OF CONSTRUCTION.**

16 Nothing in this Act shall be construed to affect the
17 eligibility of an individual or household for a Federal ben-
18 efit.

○