

115TH CONGRESS
2D SESSION

S. 2450

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

FEBRUARY 15, 2018

Mr. LEE (for himself, Mr. CRUZ, and Mr. RUBIO) 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) FEDERAL MEANS-TESTED BENEFIT.—The term “Federal means-tested benefit” means a benefit, refundable tax credit, or other form of assistance provided under any of the following programs:

(A) CASH AND GENERAL PROGRAMS.—

(i) Supplemental Security Income.

(ii) Earned Income Tax Credit (refundable portion).

(iii) Additional Child Tax Credit.

(iv) Temporary Assistance to Needy Families.

(v) Title IV–E Foster Care.

(vi) Title IV–E Adoption Assistance.

(vii) Social Security Disability Insurance.

(B) MEDICAL.—

(i) Medicaid.

(ii) State Children’s Health Insurance Program.

(iii) Refundable Premiums and Out of Pocket Subsidies under the Patient Protection and Affordable Health Care Act (PPACA).

(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 (F) The Department of Justice.

23 (6) PERSONALLY IDENTIFIABLE INFORMA-
 24 TION.—The term “personally identifiable informa-
 25 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 2019 and ends
14 with fiscal year 2028, 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) DATA RELATED TO FORMERLY INCARCER-
3 ATED INDIVIDUALS.—The Director—

4 (A) shall include, as part of the survey
5 conducted under paragraph (1), questions re-
6 lated to whether an individual has previously
7 been incarcerated or is on probation; and

8 (B) shall collect data from the appropriate
9 administering agencies with respect to the in-
10 come of, and Federal means-tested benefits re-
11 ceived by, individuals who have previously been
12 incarcerated, or are on probation.

13 (3) ADMINISTERING AGENCY DATA.—

14 (A) IN GENERAL.—The head of each ad-
15 ministering agency shall make available to the
16 Director such data (including income tax data)
17 as the Director shall require for the purpose of
18 carrying out this subsection.

19 (B) PAYMENT OF EXPENSES.—The Direc-
20 tor shall pay for the data described in subpara-
21 graphs (B) and (C) of paragraph (1) in such
22 amount, if any (not exceeding the cost of fur-
23 nishing the data), as may be determined by the
24 head of the applicable agency that furnishes the
25 data.

(4) PUBLICATION OF SURVEY DATA.—

(A) SURVEY METHODS AND RESPONSES.—

The Director of the Bureau of the Census shall publish the methods used to carry out the survey required under paragraph (1), the number of households surveyed, the rate of responses, and the extent of survey completion.

(B) RATES AND OTHER DATA.—

(i) IN GENERAL.—The Director of the Bureau of the Census shall produce tables and graphs showing for each year the poverty rates and related data calculated using the survey responses and other data collected under paragraph (1), including—

(I) the total family income for survey respondents;

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

(III) for 2018 and subsequent years, poverty rates calculated using updated poverty thresholds as described in clause (ii).

(ii) UPDATED POVERTY THRESHOLDS.—For 2019 and subsequent years,

1 the Director shall adjust the poverty
 2 thresholds used for determining poverty
 3 rates by using the personal consumer ex-
 4 penditure price index (as published by the
 5 Bureau of Economic Analysis).

6 (C) CREATION OF A PUBLIC DATABASE.—

7 The Director shall create a database, available
 8 at the Director’s discretion to researchers who
 9 meet the security requirements described in
 10 subsection (c)(4), that contains—

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

13 (ii) data described in subparagraphs
 14 (A) and (B) of paragraph (1).

15 (D) NO PUBLICATION OF PERSONALLY
 16 IDENTIFIABLE INFORMATION.—The Director
 17 shall ensure that no personally identifiable in-
 18 formation is included in any publication of sur-
 19 vey information or other data collected under
 20 this section, including the database created pur-
 21 suant to subparagraph (C).

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

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

1 sections 9 and 23 of title 13, United States Code,
2 shall apply to personally identifiable information ob-
3 tained by the Bureau of the Census pursuant to this
4 Act.

5 (2) ASSIGNMENT OF RECORD IDENTIFICATION
6 KEYS.—All personally identifiable information shall
7 be removed from individual records, which shall be
8 given record identification keys for purposes of iden-
9 tification.

10 (3) STAFF ACCESS TO PERSONALLY IDENTIFI-
11 ABLE INFORMATION.—An officer or employee of the
12 Bureau of the Census or a representative from an
13 administering agency may access personally identifi-
14 able information if such officer, employee, or rep-
15 resentative has the special sworn status require-
16 ments implemented by the Bureau of the Census
17 under section 9 and section 23 of title 13, United
18 States Code.

19 (4) PUBLIC ACCESS TO PERSONALLY IDENTIFI-
20 ABLE INFORMATION.—The Director may disclose
21 personally identifiable information to an individual
22 who has special sworn status as implemented by the
23 Bureau of the Census under section 9 and section
24 23 of title 12, United States Code.

1 (5) PENALTIES.—Any individual who knowingly
2 accesses or discloses personally identifiable informa-
3 tion in violation of this section shall be guilty of a
4 felony and upon conviction thereof shall be fined in
5 an amount of not more than \$300,000 under title
6 18, United States Code, or imprisoned for not more
7 than five years, or both.

8 (6) INADMISSIBILITY OF SURVEY DATA.—Data
9 contained in a response to a survey conducted pur-
10 suant to subsection (b)(1) shall not be admissible as
11 evidence in any proceeding of any court, agency,
12 board, or other entity.

13 (d) STATE REPORTING OF FEDERAL MEANS-TESTED
14 DATA.—Beginning with the first full calendar year that
15 begins after the date of enactment of this Act, with respect
16 to any Federal means-tested benefit that is administered
17 at the State level by a State administering agency, such
18 State administering agency shall submit each year to the
19 Federal administering agency responsible for admin-
20 istering the benefit at the Federal level a report that iden-
21 tifies each household that received such benefits during
22 such year by the Social Security number of the head of
23 the household and the amount, or cash equivalent, of such
24 benefit received by such household.

1 (e) COMPARISON OF INDIVIDUAL SURVEY DATA TO
2 CONSUMER EXPENDITURE SURVEY.—Beginning with the
3 first full calendar year that begins after the date of enact-
4 ment of this Act and each year thereafter, the Bureau of
5 the Census shall, in coordination with the Bureau of
6 Labor Statistics, provide summary statistics comparing
7 the income levels (constructed using all available adminis-
8 trative, income, and Current Population Survey data) of
9 respondents to the Consumer Expenditure Survey con-
10 ducted by the Bureau of Labor Statistics to the consump-
11 tion habits of such respondents.

12 (f) SENSE OF CONGRESS RELATING TO USING EX-
13 ISTING FUNDS.—It is the sense of Congress that no addi-
14 tional funds should be made available to carry out this
15 section.

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