

111TH CONGRESS
1ST SESSION

S. 1625

To amend title II of the Public Health Service Act to provide for an improved method to measure poverty so as to enable a better assessment of the effects of programs under the Public Health Service Act and the Social Security Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2009

Mr. DODD (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title II of the Public Health Service Act to provide for an improved method to measure poverty so as to enable a better assessment of the effects of programs under the Public Health Service Act and the Social Security Act, 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 “Measuring American
5 Poverty Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1 (1) Poverty imposes substantial costs on all
2 Americans that can be addressed through effective
3 poverty reduction.

4 (2) States and cities throughout the country
5 have acknowledged the need to reduce poverty and
6 the role of the Federal Government as an essential
7 partner.

8 (3) On January 22, 2008, the House of Rep-
9 resentatives, by voice vote, passed House Concurrent
10 Resolution 198 of the 110th Congress expressing the
11 sense of the Congress that the United States should
12 set a national goal of cutting poverty in half over the
13 next 10 years.

14 (4) The poverty rate is a critical indicator of
15 how widely shared prosperity is in the economy, and
16 a key benchmark for targeting resources towards the
17 most disadvantaged.

18 (5) The poverty measure is critical for efforts
19 to strengthen and enlarge the middle class, as it in-
20 dicates who falls from or struggles to join the middle
21 class.

22 (6) The official poverty measure, while helpful,
23 is based on outdated assumptions and fails to accu-
24 rately measure economic deprivation or take into ac-
25 count the availability of many economic resources.

1 (7) The official poverty measure offers inad-
2 equiate guidance about the effectiveness of public
3 anti-poverty efforts.

4 (8) In 1995, the National Academy of Sciences'
5 Panel on Poverty and Family Assistance rec-
6 ommended adoption of an improved poverty meas-
7 ure, which addresses many shortcomings of the offi-
8 cial poverty measure and which remains relevant
9 and offers a starting point for an improved measure.

10 (9) Since even an improved poverty measure re-
11 mains a measure of deprivation, not of adequacy, a
12 measure of adequate income needed to reach a de-
13 cent living standard is also necessary.

14 (10) Since an inability to access needed medical
15 care is an important indicator of economic insecu-
16 rity, a medical care risk measure would further en-
17 hance understanding of Americans' well-being.

18 **SEC. 3. STATEMENT OF PURPOSE.**

19 The purpose of this Act is to provide for an improved
20 and updated method for measuring the extent to which
21 families and individuals in the United States have suffi-
22 cient income to allow a minimal level of consumption
23 spending that meets their basic physical needs, including
24 food, shelter (including utilities), clothing, and other nec-
25 essary items, in order to better assess the effects of certain

1 policies and programs in reducing the prevalence and
 2 depth of poverty, to accurately gauge the level of economic
 3 deprivation, and to improve understanding of the tar-
 4 geting of public resources, without directly affecting the
 5 distribution of, or eligibility for, any Federal benefits or
 6 assistance.

7 **SEC. 4. MODERNIZATION OF THE MEASUREMENT OF POV-**
 8 **ERTY.**

9 Title II of the Public Health Service Act (42 U.S.C.
 10 202 et seq.) is amended by adding at the end the fol-
 11 lowing:

12 **“PART D—MODERNIZATION OF THE**
 13 **MEASUREMENT OF POVERTY**

14 **“SEC. 271. MODERNIZATION OF THE MEASUREMENT OF**
 15 **POVERTY.**

16 “(a) IN GENERAL.—The Bureau of the Census, in
 17 collaboration with the Bureau of Labor Statistics, after
 18 consultation about methodology with other Federal statis-
 19 tical agencies and outside experts, shall, to the extent pos-
 20 sible and based on the best available data, calculate mod-
 21 ern poverty thresholds, and modern poverty rates as pro-
 22 vided for in subsection (d), for each calendar year (includ-
 23 ing any calendar year before the first year for which the
 24 first annual report is published, for which the information
 25 needed to perform the calculations is available or can be

1 estimated with a reasonable degree of confidence, as deter-
2 mined by the Bureau of the Census) in accordance with
3 this section.

4 “(b) NO EFFECT ON BENEFIT PROGRAMS.—This
5 section shall not be interpreted to modify or authorize
6 modification of eligibility of any entity for, or the amount
7 or kind of benefits or assistance to be provided to any enti-
8 ty under, any program or activity funded, in whole or in
9 part, with Federal funds.

10 “(c) MODERN POVERTY THRESHOLDS.—

11 “(1) CONSUMPTION DISTRIBUTION FOR REF-
12ERENCE FAMILY.—

13 “(A) IN GENERAL.—Within 12 months
14 after the date of the enactment of this section,
15 the Bureau of the Census and Bureau of Labor
16 Statistics shall choose—

17 “(i) the most appropriate distribution
18 of consumption expenditures (including the
19 value of relevant amounts described in sub-
20 section (d)(3) or that would otherwise be
21 described in subsection (d)(3) if included
22 in the distribution) on food, clothing, and
23 shelter (including utilities), which may, if
24 appropriate, exclude families receiving sub-

1 sidies for food, clothing, or shelter (includ-
2 ing utilities)); and

3 “(ii) the reference family for the mod-
4 ern poverty measure.

5 “(B) CALCULATION FOR REFERENCE FAM-
6 ILY.—The modern poverty threshold for a ref-
7 erence family, as determined under subpara-
8 graph (A), shall be an amount equal to the av-
9 erage of 120 percent of the 33rd percentile of
10 the distribution chosen under subparagraph (A)
11 allowing for calculations to rely on a limited
12 band converging on this percentile, during 4 or
13 more of the most recent years for which data
14 is available from the Consumer Expenditure
15 Survey, a superior Federal Government source
16 of data, or some combination of such sources as
17 determined by the Bureau of the Census and
18 the Bureau of Labor Statistics. The threshold
19 shall be updated no less often than annually
20 using this method.

21 “(C) SPECIAL RULE.—Notwithstanding
22 any other provision of this section, insofar as
23 the amounts described in subparagraphs (F)
24 and (G) of subsection (d)(3) are not easily in-
25 cluded in the distribution referred to in sub-

1 paragraph (B) of this paragraph, the Bureau of
2 the Census and the Bureau of Labor Statistics
3 shall develop methods for including, and shall
4 include, the actual or estimated amounts in the
5 distribution.

6 “(2) ADJUSTMENT FOR FAMILY SIZE AND COM-
7 POSITION, AND FOR GEOGRAPHIC COST VARI-
8 ATION.—The Bureau of the Census, in collaboration
9 with the Bureau of Labor Statistics and the Bureau
10 of Economic Analysis, and in consultation with other
11 relevant Federal statistical agencies, shall adjust the
12 modern poverty threshold calculated under para-
13 graph (1) of this subsection—

14 “(A) for other family sizes and composi-
15 tions, using the best available equivalence scales
16 that consider economies of scale and any special
17 needs of children, including young children; and

18 “(B) to the maximum extent possible and
19 not earlier or later than the inclusion of State
20 and local taxes and transfers as described in
21 subsection (e)(4), for differences in the costs for
22 the goods and services included in the threshold
23 among States, sub-State non-metropolitan
24 areas, and metropolitan areas.

1 “(3) ACCOMMODATION OF HOUSING STATUS.—

2 To the maximum extent possible, the calculation for
3 the threshold for the reference family described in
4 paragraph (1) and the adjustments to the modern
5 poverty thresholds for varied family sizes and com-
6 positions under paragraph (2)(A) shall be made sep-
7 arately for each of the following categories of fami-
8 lies:

9 “(A) Families who own their primary resi-
10 dence and do not have a mortgage secured by
11 the residence.

12 “(B) All other families, or for any sub-
13 groups of all other families if the Bureau of
14 Labor Statistics determines that reliable data
15 indicates substantial variation in the amounts
16 of money needed by the subgroups to purchase
17 similar quality shelter.

18 “(4) ANNUAL PUBLICATION OF WEIGHTED AV-
19 ERAGE POVERTY THRESHOLDS.—Not less often than
20 annually, the Bureau of the Census, in collaboration
21 with the Bureau of Labor Statistics, shall publish—

22 “(A) the average poverty threshold for
23 each family size, determined by weighting each
24 threshold by the proportion of families of that
25 size to which the threshold applies, and

1 “(B) the average poverty threshold for
2 each family size in each category described in
3 paragraph (3), determined by weighting each
4 threshold by the proportion of families of that
5 size in that category and to which the threshold
6 applies.

7 “(d) MODERN POVERTY RATES.—

8 “(1) IN GENERAL.—The Bureau of the Census
9 shall use the modern poverty thresholds calculated
10 under subsection (c) to calculate, at a minimum—

11 “(A) the number and percentage of fami-
12 lies in the United States whose adjusted market
13 income does not exceed the applicable modern
14 poverty threshold, and the number and percent-
15 age of individuals in the United States who are
16 members of such families;

17 “(B) the number and percentage of fami-
18 lies in the United States whose adjusted dispos-
19 able income does not exceed the applicable mod-
20 ern poverty threshold, and the number and per-
21 centage of individuals in the United States who
22 are members of such families; and

23 “(C) the numbers and percentages de-
24 scribed in subparagraphs (A) and (B) for var-
25 ious demographic, geographic, and other sub-

1 groups of families in the United States, and for
2 individuals who are members of such subgroups
3 of families.

4 “(2) ADJUSTED MARKET INCOME.—For pur-
5 poses of this section, the adjusted market income of
6 a family is—

7 “(A) the total of the amounts received by
8 any member of the family during a calendar
9 year from wages, salaries, and self-employment
10 income, interest income, dividend income, real-
11 ized capital gains, rents, royalties, estate and
12 trust income, a qualified retirement plan (as de-
13 fined in section 4974(c) of the Internal Revenue
14 Code of 1986), a plan described in section
15 457(b) of such Code, or any other plan, con-
16 tract, annuity, or account payments or distribu-
17 tions from which are in the nature of a retire-
18 ment benefit, survivor and disability pensions
19 and annuities, paid-up insurance policies, ali-
20 mony payments, child support payments, pri-
21 vate workers’ compensation, regular contribu-
22 tions from persons not living with the family,
23 and other relevant income as determined by the
24 Bureau of the Census except for income de-

1 scribed in subparagraph (C), (D), (E), or (F)
2 of paragraph (3) of this subsection; minus

3 “(B) the total of the amounts paid by any
4 member of the family during the calendar year
5 for—

6 “(i) alimony or the support or mainte-
7 nance of a noncustodial child;

8 “(ii) medical expenses; and

9 “(iii) necessary work-related expenses,
10 including—

11 “(I) dependent care expenses;

12 “(II) transportation expenses;

13 and

14 “(III) if there is reliable data
15 therefor, work-search expenses.

16 “(3) ADJUSTED DISPOSABLE INCOME.—For
17 purposes of this section, the Bureau of the Census
18 shall define the adjusted disposable income of a fam-
19 ily as follows, excluding any amounts that are not
20 taken into account in determining poverty thresholds
21 under this section:

22 “(A) the adjusted market income of the
23 family; minus

24 “(B) the total of the amounts paid by any
25 member of the family during the calendar year

1 to cover Federal income tax liability or Federal
2 payroll tax liability, or if such information is
3 not available, the total of any such liabilities
4 that are payable by any member of the family
5 during the calendar year; plus

6 “(C) the total of the amounts received by
7 any member of the family during the calendar
8 year from refundable Federal tax credits, or if
9 such information is not available, the total of
10 any such credits that are expected by any mem-
11 ber of the family to be received during the cal-
12 endar year; plus

13 “(D) the total of the amounts received by
14 any member of the family during the calendar
15 year which may be used to meet food, clothing,
16 or shelter (including utilities) needs—

17 “(i) referred to in section
18 459(h)(1)(A)(ii) of the Social Security Act;
19 or

20 “(ii) paid under a State or local pro-
21 gram funded under part A of title IV of
22 the Social Security Act, the supplemental
23 security income program under title XVI
24 of such Act, or any other Federal program

1 or activity the eligibility for which is based,
2 in whole or in part, on need; plus

3 “(E) the total dollar value of any food as-
4 sistance benefit (as defined in section 3(d) of
5 the Food and Nutrition Act of 2008) received
6 by any member of the family during the cal-
7 endar year under section 8 of the Food and Nu-
8 trition Act of 2008; plus

9 “(F) the total of the amounts received by
10 any member of the family during the calendar
11 year as described in section 2605(b)(2) of the
12 Low-Income Home Energy Assistance Act of
13 1981; plus

14 “(G) the total of the amounts received by
15 any member of the family during the calendar
16 year as government-funded nonmedical in-kind,
17 cash and near cash benefits that help families
18 meet food, clothing, and shelter (including utili-
19 ties) needs and are not intended to reimburse
20 or subsidize other expenses, including nutrition
21 programs, housing subsidies, and the value of
22 public housing, not to exceed to the lesser of
23 the share of the threshold defined in subsection
24 (c) attributable to the component of the thresh-
25 old towards which the benefit may be used or

1 the estimated monetary value of the benefit to
2 the recipient, to the extent possible.

3 “(4) INCLUSION OF STATE AND LOCAL TAXES
4 AND TRANSFERS.—Within 5 years after the date of
5 the enactment of this section, the Bureau of the
6 Census, in collaboration with the Bureau of Labor
7 Statistics, and after consultation with other relevant
8 statistical agencies, shall modify the calculation
9 under paragraph (3) to take account of State and
10 local taxes and transfers.

11 “(e) FAMILIES.—For purposes of this section, the
12 term ‘family’ includes—

13 “(1) an individual who is living alone;

14 “(2) all members of a household who are re-
15 lated by blood, marriage, adoption, or other legal ar-
16 rangement; and

17 “(3) any unrelated individuals living together
18 whom the Bureau of the Census, in collaboration
19 with the Bureau of Labor Statistics, after assessing
20 existing research and undertaking any necessary new
21 research, determines should be treated as a family
22 for purposes of this section.

23 “(f) REPORT ON POVERTY RATES.—Not less fre-
24 quently than annually, the Bureau of the Census shall
25 produce, release simultaneously with publication and an-

1 nouncement of poverty thresholds and rates under the tra-
 2 ditional poverty measure, and make readily accessible to
 3 the public, a report which contains detailed tables and ex-
 4 planations of poverty rates—

5 “(1) as determined on the basis of adjusted
 6 market income;

7 “(2) as determined on the basis of adjusted dis-
 8 posable income; and

9 “(3) as determined on the basis of the tradi-
 10 tional poverty measure referred to in subsection (g).

11 “(g) REFERENCES TO EXISTING POVERTY MEASURE
 12 AS THE ‘TRADITIONAL POVERTY MEASURE’.—To the ex-
 13 tent practicable, whenever an officer or employee of the
 14 Federal Government refers to the poverty measure out-
 15 lined in Office of Management and Budget Statistical Pol-
 16 icy Directive 14, the officer or employee, as the case may
 17 be, shall refer to that measure as the ‘traditional poverty
 18 measure’. Any reference in a law, regulation, document,
 19 paper, or other record of the United States to the poverty
 20 measure outlined in Office of Management and Budget
 21 Statistical Policy Directive 14 is deemed to be a reference
 22 to the ‘traditional poverty measure’.

23 “(h) INCLUSION OF INFORMATION BASED ON MOD-
 24 ERN POVERTY THRESHOLDS AND RATES IN PUBLISHED

1 DOCUMENTS CONTAINING INFORMATION BASED ON TRA-
2 DITIONAL POVERTY THRESHOLDS AND RATES.—

3 “(1) IN GENERAL.—To the extent possible, a
4 relevant Federal statistical agency that publishes a
5 document which contains information about a sub-
6 ject, which was produced using the poverty measure
7 outlined in Office of Management and Budget Sta-
8 tistical Policy Directive 14, shall include in the docu-
9 ment information about the subject, which is pro-
10 duced using the modern poverty thresholds and mod-
11 ern poverty rates calculated under this section.

12 “(2) PUBLIC RELEASE OF MICRODATA FILE
13 AND ONLINE TOOLS.—On releasing a document de-
14 scribed in paragraph (1), the Bureau of the Census
15 shall release to the public, while maintaining privacy
16 and confidentiality standards required by Federal
17 law—

18 “(A) microdata files (modified as necessary
19 to avoid unduly increasing the risk of serious
20 primary and secondary disclosure problems)
21 containing all of the individual variables that
22 are necessary to compute the published modern
23 poverty rates, as well as poverty rates deter-
24 mined on the basis of the traditional poverty
25 measure referred to in subsection (g), and to

1 calculate poverty rates using different defini-
2 tions of income and poverty thresholds;

3 “(B) other public online tools that enable
4 detailed poverty rates to be calculated using dif-
5 ferent definitions of income and poverty and
6 adequacy thresholds, including $\frac{1}{2}$ and $\frac{3}{5}$ of
7 median income; and

8 “(C) the definitions of income set forth in,
9 and the poverty thresholds established under,
10 this section.

11 “(i) CONSULTATION ON IMPROVING CALCULATION
12 OF THE MODERN POVERTY THRESHOLDS OR MODERN
13 POVERTY RATES; REPORT TO THE CONGRESS.—From
14 time to time, and no less frequently than every 5 years,
15 the Bureau of the Census, in collaboration with the Bu-
16 reau of Labor Statistics, shall—

17 “(1) consult with other relevant Federal statis-
18 tical agencies and outside experts on whether the
19 method of, and sources of data for, calculating the
20 modern poverty thresholds or modern poverty rates
21 provided for in this section could be improved so as
22 to better measure, including through adjustments
23 for any underreporting or other misreporting of in-
24 come and adjustments for families with greater in-
25 come needs (such as those including persons with

1 disabilities), the extent to which families in the
 2 United States are able to secure sufficient income to
 3 allow a minimal level of consumption that meets
 4 their basic physical needs, including food, clothing,
 5 shelter (including utilities), and other necessary
 6 items; and

7 “(2) report to the Congress on any need for any
 8 such improvement.

9 “(j) RELEVANT FEDERAL STATISTICAL AGENCY.—
 10 In this section, the term ‘relevant Federal statistical agen-
 11 cy’ means a Federal agency that—

12 “(1) is listed as a major statistical program of
 13 the United States in the annual report most recently
 14 made under section 3504(e)(2) of title 44, United
 15 States Code; or

16 “(2) the Office of Management and Budget ex-
 17 pects to be so listed in the next such report.

18 “(k) LIMITATIONS ON AUTHORIZATION OF APPRO-
 19 PRIATIONS.—To carry out this section, there are author-
 20 ized to be appropriated—

21 “(1) to the Bureau of the Census—

22 “(A) for fiscal year 2010, not more than
 23 \$5,000,000; and

24 “(B) for each succeeding fiscal year, not
 25 more than the amount specified in subpara-

1 graph (A), multiplied by the sum of 1 plus the
2 percentage (if any) by which the Consumer
3 Price Index for All-Urban Consumers for Sep-
4 tember of the fiscal year then preceding the
5 succeeding fiscal year exceeds the index for
6 September of the fiscal year second preceding
7 the succeeding fiscal year; and

8 “(2) to the Bureau of Labor Statistics—

9 “(A) for fiscal year 2010, not more than
10 \$2,500,000; and

11 “(B) for each succeeding fiscal year, not
12 more than the amount specified in subpara-
13 graph (A), multiplied by the sum of 1 plus the
14 percentage (if any) by which the Consumer
15 Price Index for All-Urban Consumers for Sep-
16 tember of the fiscal year then preceding the
17 succeeding fiscal year exceeds the index for
18 September of the fiscal year second preceding
19 the succeeding fiscal year.

20 **“SEC. 272. STUDY OF DECENT LIVING STANDARD.**

21 “(a) IN GENERAL.—The Bureau of the Census, in
22 collaboration with the Bureau of Labor Statistics, shall
23 enter into a contract with the National Academy of
24 Sciences which obligates the National Academy of
25 Sciences to develop and publish a method of calculating

1 a decent living standard threshold, including relevant vari-
2 ations for geography, family size, and other such factors,
3 and a method of measuring the extent to which the income
4 of families in the United States is sufficient to meet the
5 threshold. The National Academy of Sciences shall con-
6 sider and critically review the growing body of work in
7 this area, comparing different underlying concepts in ex-
8 isting approaches such as family budgets, basic needs
9 budgets, and self-sufficiency standards, and comment on
10 the best ways to move forward towards building con-
11 sensus.

12 “(b) TECHNICAL SUPPORT.—The Bureau of the Cen-
13 sus, the Bureau of Labor Statistics, and other relevant
14 statistical agencies shall provide necessary technical sup-
15 port for the efforts to develop the threshold and method
16 referred to in subsection (a).

17 “(c) DEFINITION OF DECENT LIVING STANDARD
18 THRESHOLD.—In subsection (a), the term ‘decent living
19 standard threshold’ means the amount of annual income
20 that would allow an individual to live at a safe and decent,
21 but modest, standard of living. The decent living standard
22 shall be a measure of income adequacy reflecting the re-
23 sources necessary to meet basic needs and live beyond dep-
24 rivation.

1 “(d) LIMITATIONS ON AUTHORIZATION OF APPRO-
2 PRIATIONS.—To carry out this section, there are author-
3 ized to be appropriated to the Bureau of the Census—

4 “(1) for fiscal year 2010, not more than
5 \$500,000; and

6 “(2) for fiscal year 2011, not more than the
7 amount specified in paragraph (1), multiplied by the
8 sum of 1 plus the percentage (if any) by which the
9 Consumer Price Index for All-Urban Consumers for
10 September 2010 exceeds the index for September
11 2009.

12 **“SEC. 273. STUDY OF MEDICAL CARE RISK MEASURE.**

13 “(a) IN GENERAL.—The Bureau of the Census, in
14 collaboration with the Bureau of Labor Statistics, the
15 Agency for Healthcare Research and Quality, and the
16 Centers for Medicare and Medicaid Services shall enter
17 into a contract with the National Academies, including the
18 National Academy of Sciences and the Institute of Medi-
19 cine, which obligates the National Academies to develop
20 and publish a method of measuring the extent of medical
21 care risk in the United States and calculating the number
22 and percentage of individuals in the United States who,
23 to varying degrees, lack adequate health insurance, plac-
24 ing them at risk of being unable to afford needed treat-
25 ment.

1 “(b) TECHNICAL SUPPORT.—The Bureau of the Cen-
2 sus, the Bureau of Labor Statistics, the Agency for
3 Healthcare Research and Quality and the Centers for
4 Medicare and Medicaid Services, and other relevant health
5 and statistical agencies shall provide necessary technical
6 support for the efforts to develop the method and measure
7 referred to in subsection (a).

8 “(c) DEFINITION OF MEDICAL CARE RISK.—In sub-
9 section (a), the term ‘medical care risk’ means the extent
10 to which individuals are at risk of being unable to afford
11 needed medical treatment, services, goods, and care.

12 “(d) LIMITATIONS ON AUTHORIZATION OF APPRO-
13 PRIATIONS.—To carry out this section, there are author-
14 ized to be appropriated to the Bureau of the Census—

15 “(1) for fiscal year 2010, not more than
16 \$500,000; and

17 “(2) for fiscal year 2011, not more than the
18 amount specified in paragraph (1), multiplied by the
19 sum of 1 plus the percentage (if any) by which the
20 Consumer Price Index for All-Urban Consumers for
21 September 2010 exceeds the index for September
22 2009.

1 **“SEC. 274. STUDY TO IMPROVE STATE AND LOCAL POVERTY**
2 **MEASUREMENT.**

3 “(a) IN GENERAL.—The Bureau of the Census, in
4 consultation with other relevant statistical agencies, shall
5 enter into a contract with the National Academy of
6 Sciences which obligates the National Academy of
7 Sciences to develop a set of recommendations for methods
8 to implement annual modern poverty measurement at the
9 State and local level and a timeframe for the implementa-
10 tion. The methods to be examined shall include revisions
11 to the American Community Survey questionnaire, use of
12 administrative records, and use of modeled estimates.

13 “(b) TECHNICAL SUPPORT.—The Bureau of the Cen-
14 sus and other relevant statistical agencies shall provide
15 necessary technical support for the effort referred to in
16 subsection (a).

17 “(c) LIMITATIONS ON AUTHORIZATION OF APPRO-
18 PRIATIONS.—To carry out this section, there are author-
19 ized to be appropriated to the Bureau of the Census—

20 “(1) for fiscal year 2010, not more than
21 \$250,000; and

22 “(2) for fiscal year 2011, not more than the
23 amount specified in paragraph (1); multiplied by the
24 sum of 1 plus the percentage (if any) by which the
25 Consumer Price Index for All-Urban Consumers for

- 1 September 2010 exceeds the index for September
- 2 2009.”.

○