

111TH CONGRESS
1ST SESSION

H. R. 2365

To require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security and Medicare benefits under titles II and XVIII of the Social Security Act.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2009

Mr. DEFazio (for himself, Mr. DUNCAN, Mr. WAXMAN, Mr. McHUGH, Mr. OBERSTAR, Mrs. EMERSON, Mr. BOREN, Mr. PLATTS, Ms. DeLAURO, Mr. MCGOVERN, Mr. HALL of New York, Mr. KILDEE, Mr. RODRIGUEZ, Mr. HINCHEY, Mr. WILSON of Ohio, Mr. COSTELLO, Mr. CARNEY, Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. KUCINICH, and Mr. STARK) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security and Medicare benefits under titles II and XVIII of the Social Security Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Consumer Price Index
3 for Elderly Consumers Act of 2009”.

4 **SEC. 2. CONSUMER PRICE INDEX FOR ELDERLY CON-**
5 **SUMERS.**

6 (a) IN GENERAL.—The Bureau of Labor Statistics
7 of the Department of Labor shall prepare and publish an
8 index for each calendar month to be known as the “Con-
9 sumer Price Index for Elderly Consumers” that indicates
10 changes over time in expenditures for consumption which
11 are typical for individuals in the United States who are
12 62 years of age or older.

13 (b) EFFECTIVE DATE.—Subsection (a) shall apply
14 with respect to calendar months ending on or after July
15 31 of the calendar year following the calendar year in
16 which this Act is enacted.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to carry out the provisions of this section.

20 **SEC. 3. COMPUTATION OF COST-OF-LIVING INCREASES.**

21 (a) AMENDMENTS TO TITLE II.—

22 (1) IN GENERAL.—Section 215(i) of the Social
23 Security Act (42 U.S.C. 415(i)) is amended—

24 (A) in paragraph (1)(G), by inserting be-
25 fore the period the following: “, and, solely with
26 respect to any monthly insurance benefit pay-

1 able under this title to an individual who has
 2 attained age 62, effective for adjustments under
 3 this subsection to the primary insurance
 4 amount on which such benefit is based (or to
 5 any such benefit under section 227 or 228) oc-
 6 curring after such individual attains such age,
 7 the applicable Consumer Price Index shall be
 8 deemed to be the Consumer Price Index for El-
 9 derly Consumers and such primary insurance
 10 amount shall be deemed adjusted under this
 11 subsection using such Index”; and

12 (B) in paragraph (4), by striking “and by
 13 section 9001” and inserting “, by section
 14 9001”, and by inserting after “1986,” the fol-
 15 lowing: “and by section 3(a) of the Consumer
 16 Price Index for Elderly Consumers Act,”.

17 (2) CONFORMING AMENDMENTS IN APPLICABLE
 18 FORMER LAW.—Section 215(i)(1)(C) of such Act, as
 19 in effect in December 1978 and applied in certain
 20 cases under the provisions of such Act in effect after
 21 December 1978, is amended by inserting before the
 22 period the following: “, and, solely with respect to
 23 any monthly insurance benefit payable under this
 24 title to an individual who has attained age 62, effec-
 25 tive for adjustments under this subsection to the pri-

1 mary insurance amount on which such benefit is
 2 based (or to any such benefit under section 227 or
 3 228) occurring after such individual attains such
 4 age, the applicable Consumer Price Index shall be
 5 deemed to be the Consumer Price Index for Elderly
 6 Consumers and such primary insurance amount
 7 shall be deemed adjusted under this subsection using
 8 such Index”.

9 (3) EFFECTIVE DATE.—The amendments made
 10 by paragraph (1) shall apply to determinations made
 11 with respect to cost-of-living computation quarters
 12 ending on or after September 30 of the second cal-
 13 endar year following the calendar year in which this
 14 Act is enacted.

15 (b) AMENDMENTS TO TITLE XVIII.—

16 (1) IN GENERAL.—Title XVIII of such Act (42
 17 U.S.C. 1395 et seq.) is amended—

18 (A) in section 1814(i)(2)(B), by inserting

19 “(i) for accounting years ending before October
 20 1 of the second calendar year following the cal-
 21 endar year in which the Consumer Price Index
 22 for Elderly Consumers Act was enacted,” after
 23 “for a year is”, and by inserting after “fifth
 24 month of the accounting year” the following: “,
 25 and (ii) for accounting years ending after Octo-

ber 1 of such calendar year, the cap amount determined under clause (i) for the last accounting year referred to in such clause, increased or decreased by the same percentage as the percentage increase or decrease, respectively, in the medical care expenditure category (or corresponding category) of the Consumer Price Index for Elderly Consumers, published by the Bureau of Labor Statistics, from March of such calendar year to the fifth month of the accounting year”;

(B) in section 1821(c)(2)(C)(ii)(II), by striking “consumer price index for all urban consumers (all items; United States city average)” and inserting “Consumer Price Index for Elderly Consumers”;

(C) in section 1833(h)(2)(A)(i), by striking “Consumer Price Index for All Urban Consumers (United States city average)” and inserting “Consumer Price Index for Elderly Consumers”;

(D) in section 1833(i)(2)(C)(i), by striking “Consumer Price Index for all urban consumers (U.S. city average)” and inserting “Consumer Price Index for Elderly Consumers”;

1 (E) in each of subparagraphs (K), (L),
2 and (M) of section 1834(a)(14), by striking
3 “consumer price index for all urban consumers
4 (U.S. urban average)” and inserting “applicable
5 consumer price index”;

6 (F) in section 1834(h)(4)(A)(x), by strik-
7 ing “consumer price index for all urban con-
8 sumers (United States city average)” and in-
9 serting “Consumer Price Index for Elderly Con-
10 sumers”;

11 (G) in section 1834(l)(3)(B), by striking
12 “consumer price index for all urban consumers
13 (U.S. city average)” and inserting “Consumer
14 Price Index for Elderly Consumers”;

15 (H) in section 1839(i)(5)(A)(ii), by strik-
16 ing “Consumer Price Index (United States city
17 average)” and inserting “Consumer Price Index
18 for Elderly Consumers”;

19 (I) in section 1842(s)(1), by striking “con-
20 sumer price index for all urban consumers
21 (United States city average)” and inserting
22 “Consumer Price Index for Elderly Con-
23 sumers”;

24 (J) in each of subparagraphs (D)(ii) and
25 (E)(i)(II) of section 1860D–14(a)(3) and in

each of clauses (i) and (ii) of section 1860D–14(a)(4)(A), by striking “consumer price index (all items; U.S. city average)” and inserting “Consumer Price Index for Elderly Consumers”;

(K) in section 1882(p)(11)(C)(ii), by striking “Consumer Price Index for all urban consumers (all items; U.S. city average)” and inserting “Consumer Price Index for Elderly Consumers”;

(L) in each of clauses (iv) and (vi)(II) of section 1886(h)(2)(E), by striking “for all urban consumers”; and

(M) in section 1886(h)(5)(B), by striking “Consumer Price Index for All Urban Consumers (United States city average)” and inserting “Consumer Price Index for Elderly Consumers”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to determinations made for periods ending after December 31 of the second calendar year following the calendar year in which this Act was enacted.

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