

111TH CONGRESS
1ST SESSION

H. R. 4193

To require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2009

Mr. ENGEL introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on 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 benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent.

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 “Guaranteed 3% COLA
3 for Seniors 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) IN GENERAL.—Section 215(i) of the Social Secu-
22 rity Act (42 U.S.C. 415(i)) is amended—

23 (1) in paragraph (1)(G), by inserting before the
24 period the following: “, and, solely with respect to
25 any monthly insurance benefit payable under this
26 title to an individual who has attained age 62, effec-

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

10 (2) in paragraph (2)(A)(ii), by adding at the
11 end the following: “In the case of individuals re-
12 ferred to in subdivision (I) or (II) who have attained
13 age 62, irrespective of whether the Commissioner
14 makes a determination described in the first sen-
15 tence of this clause with respect to the base quarter
16 in any year, effective for adjustments under this
17 subsection to the primary insurance amount on
18 which such individual’s monthly insurance benefit is
19 based occurring after such individual attains such
20 age (or to any such benefit under section 227 or
21 228), the Commissioner shall, effective with the
22 month of December of such year, increase benefit
23 amounts and primary insurance amounts of such in-
24 dividuals under this clause as if such base quarter
25 were a cost of living computation quarter and the

1 applicable increase percentage with respect to such
 2 base quarter were equal to the greater of 3 percent
 3 or the applicable increase percentage (if any) with
 4 respect to such base quarter.”; and

5 (3) in paragraph (4), by striking “and by sec-
 6 tion 9001” and inserting “, by section 9001”, and
 7 by inserting after “1986,” the following: “and by
 8 section 3 of the Guaranteed 3% COLA for Seniors
 9 Act of 2009,”.

10 (b) CONFORMING AMENDMENTS IN APPLICABLE
 11 FORMER LAW.—Section 215(i) of such Act, as in effect
 12 in December 1978 and applied in certain cases under the
 13 provisions of such Act in effect after December 1978, is
 14 amended—

15 (1) in paragraph (1)(C), by inserting before the
 16 period the following: “, and, solely with respect to
 17 any monthly insurance benefit payable under this
 18 title to an individual who has attained age 62, effec-
 19 tive for adjustments under this subsection to the pri-
 20 mary insurance amount on which such benefit is
 21 based (or to any such benefit under section 227 or
 22 228) occurring after such individual attains such
 23 age, the applicable Consumer Price Index shall be
 24 deemed to be the Consumer Price Index for Elderly
 25 Consumers and such primary insurance amount

1 shall be deemed adjusted under this subsection using
2 such Index”; and

3 (2) by adding at the end of paragraph
4 (2)(A)(ii) the following: “In the case of individuals
5 referred to in the first sentence of this clause who
6 have attained age 62, irrespective of whether the
7 Commissioner makes a determination described in
8 the first sentence of this clause with respect to the
9 base quarter in any year, effective for adjustments
10 under this subsection to the primary insurance
11 amount on which such individual’s monthly insur-
12 ance benefit is based occurring after such individual
13 attains such age (or to any such benefit under sec-
14 tion 227 or 228), the Commissioner shall, effective
15 with the month of December of such year, increase
16 benefit amounts and primary insurance amounts of
17 such individuals under this clause as if such base
18 quarter were a cost of living computation quarter
19 and the percentage referred to in the first sentence
20 of this clause with respect to such base quarter were
21 equal to the greater of 3 percent or the percentage
22 (if any) otherwise referred to in the first sentence of
23 this clause with respect to such base quarter.”.

24 (c) PROTECTION OF BENEFITS SUBJECT TO THE
25 FAMILY MAXIMUM.—Section 203(a) of the Social Security

1 Act (42 U.S.C. 403(a)) is amended by adding at the end
2 the following new paragraph:

3 “(11) In determining whether total monthly benefits
4 based on any primary insurance amount exceed the
5 amount permitted under this subsection, the Commis-
6 sioner shall disregard the portion of any benefit otherwise
7 payable to any beneficiary under this title which is attrib-
8 utable to so much of any increases in benefits which would
9 not have occurred but for the application of the last sen-
10 tence of section 215(i)(2)(A)(ii) (or the last sentence of
11 section 215(i)(2)(A)(ii) as in effect in December 1978 (as
12 amended) and applied in certain cases under the provi-
13 sions of such Act in effect after December 1978).”.

14 (d) RULE OF CONSTRUCTION.—This section and the
15 amendments made thereby shall not be construed as a
16 general benefit increase for purposes of section 215(i) of
17 the Social Security Act (and section 215(i) of such Act
18 as in effect in December 1978 and applied in certain cases
19 under the provisions of such Act in effect after December
20 1978).

21 (e) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to determinations made with re-
23 spect to base quarters ending on or after September 30

1 of the second calendar year following the calendar year
2 in which this Act is enacted.

