

111TH CONGRESS  
1ST SESSION

# S. 2926

To amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010, to provide an additional round of economic recovery payments to certain beneficiaries, and to assess the need for a consumer price index for elderly consumers to compute cost-of-living increases for certain governmental benefits.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 23, 2009

Mrs. LINCOLN (for herself and Mr. SANDERS) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010, to provide an additional round of economic recovery payments to certain beneficiaries, and to assess the need for a consumer price index for elderly consumers to compute cost-of-living increases for certain governmental benefits.

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 “Economic Fairness for  
3 Seniors Act”.

4 **SEC. 2. MEDICARE PART B PREMIUM FOR 2010.**

5 Section 1839 of the Social Security Act (42 U.S.C.  
6 1395r) is amended—

7 (1) in subsection (a), by adding at the end the  
8 following new paragraph:

9 “(5) The monthly premium under this subsection for  
10 2010 shall be the monthly premium under this subsection  
11 for 2009.”; and

12 (2) in subsection (i)(3)(A), by adding after and  
13 below clause (ii) the following:

14 “In applying clause (ii) for 2010, the monthly  
15 actuarial rate described in such clause shall be  
16 such monthly actuarial rate for 2009.”.

17 **SEC. 3. EXTENSION OF CERTAIN ECONOMIC RECOVERY**  
18 **PAYMENTS.**

19 (a) IN GENERAL.—Section 2201 of the American Re-  
20 covery and Reinvestment Tax Act of 2009 is amended—

21 (1) by inserting “in each of calendar years  
22 2009 and 2010” after “the Secretary of the Treas-  
23 ury shall disburse” in subsection (a)(1)(A);

24 (2) by inserting “(for purposes of payments  
25 made for calendar year 2009), or the 3-month pe-  
26 riod ending with the month which ends prior to the

1 month that includes the date of the enactment of the  
2 Economic Fairness for Seniors Act (for purposes of  
3 payments made for calendar year 2010)” after “the  
4 month that includes the date of the enactment of  
5 this Act” in subsection (a)(1)(A);

6 (3) by inserting “(for purposes of payments  
7 made under this paragraph for calendar year 2009),  
8 or the 3 month period ending with the month which  
9 ends prior to the month that includes the date of the  
10 enactment of the Economic Fairness for Seniors Act  
11 (for purposes of payments made under this para-  
12 graph for calendar year 2010)” after “the month  
13 that includes the date of the enactment of this Act”  
14 in subsection (a)(1)(B)(iii);

15 (4) by inserting “for any calendar year” after  
16 “1 payment under this section” in subsection (a)(3);

17 (5) by inserting “An individual who is entitled  
18 to, or eligible for, a benefit or cash payment de-  
19 scribed in paragraph (1) in both of the 3-month pe-  
20 riods described in paragraph (1)(A) shall be paid a  
21 payment under this section in each of calendar years  
22 2009 and 2010.” at the end of paragraph (3) of  
23 subsection (a);

1           (6) by inserting “IN SAME YEAR” after “NO  
2       DOUBLE PAYMENTS” in the heading of paragraph  
3       (3) of subsection (a);

4           (7) by inserting “applicable” before “3-month  
5       period” in subsection (a)(4)(A);

6           (8) by inserting “applicable” before “3 month  
7       period” in subsection (a)(4)(B);

8           (9) by inserting “for purposes of payments  
9       made for calendar year 2009, or after December 31,  
10      2011, for purposes of payments made for calendar  
11      year 2010,” after “December 31, 2010,” in sub-  
12      section (a)(5)(B);

13          (10) by striking “2011” in subsection (e) and  
14      inserting “2012”;

15          (11) by striking “\$90,000,000” in subsection  
16      (e)(2)(B) and inserting “\$135,000,000”;

17          (12) by striking “\$1,400,000” in subsection  
18      (e)(3)(B) and inserting “\$2,100,000”;

19          (13) by striking “\$100,000” in subsection  
20      (e)(4)(A)(ii) and inserting “\$150,000”; and

21          (14) by striking “\$7,100,000” in subsection  
22      (e)(4)(A)(ii) and inserting “\$10,650,000”.

23       (b) EXTENSION OF SPECIAL CREDIT FOR CERTAIN  
24   GOVERNMENT RETIREES.—In the case of an eligible indi-  
25   vidual (as defined in section 2202(b) of the American Re-

1 covery and Reinvestment Tax Act of 2009, applied by sub-  
 2 stituting “2010” for “2009”), with respect to the first  
 3 taxable year of such individual beginning in 2010, section  
 4 2202 of the American Recovery and Reinvestment Tax Act  
 5 of 2009 shall be applied by substituting “2010” for  
 6 “2009” each place it appears.

7 **SEC. 4. CONSUMER PRICE INDEX FOR ELDERLY CON-**  
 8 **SUMERS.**

9 (a) STUDY.—The Bureau of Labor Statistics of the  
 10 Department of Labor shall study whether a consumer  
 11 price index for elderly consumers (CPI–E) more accu-  
 12 rately reflects the true costs of inflation for elderly Ameri-  
 13 cans than the Consumer Price Index for Urban Wage  
 14 Earners and Clerical Workers (CPI–W) and if the elderly  
 15 are being financially disadvantaged by the use of the CPI–  
 16 W in the determination of current benefit levels and, if  
 17 so, shall prepare such a CPI–E.

18 (b) REPORT.—Not later than 180 days after the date  
 19 of the enactment of this Act, the Bureau of Labor Statis-  
 20 tics of the Department of Labor shall report to Congress  
 21 the results of the study required under subsection (a) and,  
 22 if appropriate, the creation of a consumer price index for  
 23 elderly consumers that more accurately reflects the true  
 24 cost of inflation for the elderly.

1 **SEC. 5. OFFSET THROUGH REDUCTION IN TARP FUNDS.**

2 Paragraph (3) of section 115(a) of the Emergency  
3 Economic Stabilization Act of 2008 (12 U.S.C. 5225) is  
4 amended by striking “\$1,259,000,000” and inserting  
5 “\$39,259,000,000”.

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