

114TH CONGRESS
1ST SESSION

H. R. 3961

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

NOVEMBER 5, 2015

Mr. DEFAZIO 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 the Workforce, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Price Index
5 for Elderly Consumers Act of 2015”.

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

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

10 (b) EFFECTIVE DATE.—Subsection (a) shall apply
11 with respect to calendar months ending on or after July
12 31 of the calendar year following the calendar year in
13 which this Act is enacted.

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

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

18 (a) AMENDMENTS TO TITLE II.—

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

21 (A) in paragraph (1)(G), by inserting be-
22 fore the period the following: “, and, solely with
23 respect to any monthly insurance benefit pay-
24 able under this title to an individual who has
25 attained age 62, effective for adjustments under
26 this subsection to the primary insurance

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

9 (B) in paragraph (4), by striking “and by
10 section 9001” and inserting “, by section
11 9001”, and by inserting after “1986,” the fol-
12 lowing: “and by section 3(a) of the Consumer
13 Price Index for Elderly Consumers Act of
14 2015,”.

15 (2) CONFORMING AMENDMENTS IN APPLICABLE
16 FORMER LAW.—Section 215(i)(1)(C) of such Act, as
17 in effect in December 1978 and applied in certain
18 cases under the provisions of such Act in effect after
19 December 1978, is amended by inserting before the
20 period the following: “, and, solely with respect to
21 any monthly insurance benefit payable under this
22 title to an individual who has attained age 62, effec-
23 tive for adjustments under this subsection to the pri-
24 mary insurance amount on which such benefit is
25 based (or to any such benefit under section 227 or

1 228) occurring after such individual attains such
2 age, the applicable Consumer Price Index shall be
3 deemed to be the Consumer Price Index for Elderly
4 Consumers and such primary insurance amount
5 shall be deemed adjusted under this subsection using
6 such Index”.

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

13 (b) AMENDMENTS TO TITLE XVIII.—

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

16 (A) in section 1814(i)(2)(B) (42 U.S.C.
17 1395f(i)(2)(B)), by inserting “(i) for accounting
18 years ending before October 1 of the second cal-
19 endar year following the calendar year in which
20 the Consumer Price Index for Elderly Con-
21 sumers Act of 2015 was enacted,” after “for a
22 year is”, and by inserting after “fifth month of
23 the accounting year” the following: “, and (ii)
24 for accounting years ending after October 1 of
25 such calendar year, the cap amount determined

1 under clause (i) for the last accounting year re-
2ferred to in such clause, increased or decreased
3by the same percentage as the percentage in-
4crease or decrease, respectively, in the medical
5care expenditure category (or corresponding
6category) of the Consumer Price Index for El-
7derly Consumers, published by the Bureau of
8Labor Statistics, from March of such calendar
9year to the fifth month of the accounting year”;

10 (B) in section 1821(c)(2)(C)(ii)(II) (42
11 U.S.C. 1395i-5(c)(2)(C)(ii)(II)), by striking
12 “consumer price index for all urban consumers
13 (all items; United States city average)” and in-
14serting “Consumer Price Index for Elderly Con-
15sumers”;

16 (C) in section 1833(h)(2)(A)(i) (42 U.S.C.
17 1395l(h)(2)(A)(i)) by striking “Consumer Price
18 Index for All Urban Consumers (United States
19 city average)” and inserting “Consumer Price
20 Index for Elderly Consumers”;

21 (D) in section 1833(i)(2)(C)(i) (42 U.S.C.
22 1395l(i)(2)(C)(i)), by striking “Consumer Price
23 Index for all urban consumers (U.S. city aver-
24age)” and inserting “Consumer Price Index for
25 Elderly Consumers”;

1 (E) in section 1834(a)(14)(L) (42 U.S.C.
2 1395m(a)(14)(L)), by striking “consumer price
3 index for all urban consumers (U.S. urban aver-
4 age)” and inserting “applicable consumer price
5 index”;

6 (F) in section 1834(h)(4)(A)(xi)(I) (42
7 U.S.C. 1395m(h)(4)(A)(xi)(I)), by striking
8 “consumer price index for all urban consumers
9 (United States city average)” and inserting
10 “Consumer Price Index for Elderly Con-
11 sumers”;

12 (G) in section 1834(l)(3)(B) (42 U.S.C.
13 1395m(l)(3)(B)), by striking “consumer price
14 index for all urban consumers (U.S. city aver-
15 age)” and inserting “Consumer Price Index for
16 Elderly Consumers”;

17 (H) in section 1839(i)(5)(A)(ii) (42 U.S.C.
18 1395r(i)(5)(A)(ii)), by striking “Consumer
19 Price Index (United States city average)” and
20 inserting “Consumer Price Index for Elderly
21 Consumers”;

22 (I) in section 1842(s)(1)(B)(ii)(I) (42
23 U.S.C. 1395u(s)(1)(B)(ii)(I)), by striking “con-
24 sumer price index for all urban consumers
25 (United States city average)” and inserting

1 “Consumer Price Index for Elderly Con-
2 sumers”;

3 (J) in each of subparagraphs (D)(ii) and
4 (E)(i)(II) of section 1860D–14(a)(3) (42
5 U.S.C. 1395w–114(a)(3)) and in section
6 1860D–14(a)(4)(A)(ii) (42 U.S.C. 1395w–
7 114(a)(4)(A)(ii)), by striking “consumer price
8 index (all items; U.S. city average)” and insert-
9 ing “Consumer Price Index for Elderly Con-
10 sumers”;

11 (K) in section 1882(p)(11)(C)(ii) (42
12 U.S.C. 1395ss(p)(11)(C)(ii)), by striking “Con-
13 sumer Price Index for all urban consumers (all
14 items; U.S. city average)” and inserting “Con-
15 sumer Price Index for Elderly Consumers”;

16 (L) in each of clauses (iv) and (vi)(II) of
17 section 1886(h)(2)(E) (42 U.S.C.
18 1395ww(h)(2)(E)), by striking “for all urban
19 consumers”; and

20 (M) in section 1886(h)(5)(B) (42 U.S.C.
21 1395ww(h)(5)(B)), by striking “Consumer
22 Price Index for All Urban Consumers (United
23 States city average)” and inserting “Consumer
24 Price Index for Elderly Consumers”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall apply with respect to deter-
3 minations made for periods ending after December
4 31 of the second calendar year following the cal-
5 endar year in which this Act was enacted.

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