

112TH CONGRESS
1ST SESSION

H. R. 776

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

FEBRUARY 17, 2011

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 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 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 2011”.

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 the Consumer Price Index for Elderly Consumers
7 and such primary insurance amount shall be ad-
8 justed under this subsection using such Index”;

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

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

4 (3) in paragraph (4), by striking “and by sec-
5 tion 9001” and inserting “, by section 9001”, and
6 by inserting after “1986,” the following: “and by
7 section 3 of the Guaranteed 3% COLA for Seniors
8 Act of 2011,”.

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

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

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

22 (c) PROTECTION OF BENEFITS SUBJECT TO THE
23 FAMILY MAXIMUM.—Section 203(a) of the Social Security
24 Act (42 U.S.C. 403(a)) is amended by adding at the end
25 the following new paragraph:

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

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

19 (e) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to determinations made with re-
21 spect to base quarters ending on or after September 30
22 of the second calendar year following the calendar year
23 in which this Act is enacted.

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