

116TH CONGRESS  
1ST SESSION

# S. 1923

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.

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IN THE SENATE OF THE UNITED STATES

JUNE 20, 2019

Mr. WHITEHOUSE introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guaranteed 3 Percent  
5 COLA for Seniors Act of 2019”.

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) IN GENERAL.—Section 215(i) of the Social Secu-  
19 rity Act (42 U.S.C. 415(i)) is amended—

20 (1) in paragraph (1)(G), by inserting before the  
21 period the following: “, and, solely with respect to  
22 any monthly insurance benefit payable under this  
23 title to an individual who has attained age 62, effec-  
24 tive for adjustments under this subsection to the pri-  
25 mary insurance amount on which such benefit is  
26 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 the Consumer Price Index for Elderly Consumers  
4 and such primary insurance amount shall be ad-  
5 justed under this subsection using such Index”;

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

1 (3) in paragraph (4)—

2 (A) by striking “and by section 9001” and  
3 inserting “, by section 9001”; and

4 (B) by inserting after “1986,” the fol-  
5 lowing: “and by section 3 of the Guaranteed 3  
6 Percent COLA for Seniors Act of 2019,”.

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

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

24 (2) by adding at the end of paragraph  
25 (2)(A)(ii) the following: “In the case of individuals

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

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

24 “(11) In determining whether total monthly benefits  
25 based on any primary insurance amount exceed the

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

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

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

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