

116TH CONGRESS  
1ST SESSION

# H. R. 3389

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 HOUSE OF REPRESENTATIVES

JUNE 20, 2019

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

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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,*

1 **SECTION 1. SHORT TITLE.**

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

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 Percent COLA for  
8 Seniors Act of 2019,”.

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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