

118TH CONGRESS  
1ST SESSION

# H. R. 716

To provide for cost-of-living increases for certain Federal benefits programs based on increases in the Consumer Price Index for the elderly.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2023

Mr. GARAMENDI (for himself, Mr. PANETTA, Mr. COHEN, Mrs. MCBATH, Mr. MOULTON, Ms. MCCOLLUM, Ms. LOIS FRANKEL of Florida, Mr. GRIMALVA, Mr. BOYLE of Pennsylvania, Ms. SCANLON, Ms. TITUS, Ms. PINGREE, Ms. ROSS, Ms. OMAR, Mr. CROW, Mrs. BEATTY, Mr. KIM of New Jersey, Ms. MOORE of Wisconsin, Mr. LIEU, and Mr. BOWMAN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, Oversight and Accountability, and Armed Services, 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 provide for cost-of-living increases for certain Federal benefits programs based on increases in the Consumer Price Index for the elderly.

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 “Fair COLA for Seniors  
5 Act of 2023”.

1 **SEC. 2. COMPUTATION OF COST-OF-LIVING INCREASES**  
2 **BASED ON CONSUMER PRICE INDEX FOR EL-**  
3 **DERLY CONSUMERS.**

4 (a) IN GENERAL.—Section 215(i)(1) of the Social Se-  
5 curity Act (42 U.S.C. 415(i)(1)) is amended by adding  
6 at the end the following new subparagraph:

7 “(H) the term ‘Consumer Price Index’ means  
8 the Consumer Price Index for Elderly Consumers  
9 (CPI–E, as published by the Bureau of Labor Sta-  
10 tistics of the Department of Labor).”.

11 (b) APPLICATION TO PRE-1979 LAW.—

12 (1) IN GENERAL.—Section 215(i)(1) of the So-  
13 cial Security Act as in effect in December 1978, and  
14 as applied in certain cases under the provisions of  
15 such Act as in effect after December 1978, is  
16 amended by adding at the end the following new  
17 subparagraph:

18 “(D) the term ‘Consumer Price Index’ means  
19 the Consumer Price Index for Elderly Consumers  
20 (CPI–E, as published by the Bureau of Labor Sta-  
21 tistics of the Department of Labor).”.

22 (2) CONFORMING CHANGE.—Section 215(i)(4)  
23 of the Social Security Act (42 U.S.C. 415(i)(4)) is  
24 amended—

25 (A) by striking “and by section 9001” and  
26 inserting “, section 9001”; and

1 (B) by inserting “and section 2 of the Fair  
2 COLA for Seniors Act of 2023,” after “1986,”.

3 (c) PUBLICATION OF CONSUMER PRICE INDEX FOR  
4 ELDERLY CONSUMERS.—The Bureau of Labor Statistics  
5 of the Department of Labor shall prepare and publish the  
6 index authorized by section 191 of the Older Americans  
7 Amendments Act of 1987 (29 U.S.C. 2 note) for each cal-  
8 endar month, beginning with the date of enactment of this  
9 Act, and such index shall be known as the “Consumer  
10 Price Index for Elderly Consumers”.

11 (d) EFFECTIVE DATE.—The amendments made by  
12 subsection (a) shall apply to determinations made with re-  
13 spect to cost-of-living computation quarters (as defined in  
14 section 215(i)(1)(B) of the Social Security Act (42 U.S.C.  
15 415(i)(1)(B))) ending on or after September 30, 2023.

16 **SEC. 3. COST-OF-LIVING INCREASES FOR CERTAIN FED-**  
17 **ERAL BENEFITS PROGRAMS BASED ON IN-**  
18 **CREASES IN THE CONSUMER PRICE INDEX**  
19 **FOR THE ELDERLY.**

20 Notwithstanding any other provision of law, whenever  
21 benefit amounts under title II of the Social Security Act  
22 are increased by any percentage effective with any month  
23 as a result of a determination made under section 215(i)  
24 of such Act, the dollar amounts in effect for the payment  
25 of the following benefits, as such amounts were in effect

1 immediately before the increase of such benefit amounts,  
2 shall be increased by the same percentage:

3           (1) An annuity under the Civil Service Retirement  
4           System or the Federal Employees Retirement  
5           System.

6           (2) Department of Veterans Affairs wartime  
7           disability compensation under section 1114 of title  
8           38, United States Code.

9           (3) Department of Veterans Affairs additional  
10          compensation for dependents under section 1115(1)  
11          of such title.

12          (4) The Department of Veterans Affairs cloth-  
13          ing allowance under section 1162 of such title.

14          (5) Department of Veterans Affairs dependency  
15          and indemnity compensation to surviving spouse  
16          under subsections (a) through (d) of section 1311 of  
17          such title.

18          (6) Department of Veterans Affairs dependency  
19          and indemnity compensation to children under sec-  
20          tions 1313(a) and 1314 of such title.

21          (7) Military retirement and survivor benefit  
22          programs, as defined in section 1461(b) of title 10,  
23          United States Code.

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