

107TH CONGRESS
1ST SESSION

H. R. 816

To protect the Social Security system and to amend the Congressional Budget Act of 1974 to require a two-thirds vote for legislation that changes the discretionary spending limits or the pay-as-you-go provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 if the budget for the current year (or immediately preceding year) was not in surplus.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2001

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, 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 protect the Social Security system and to amend the Congressional Budget Act of 1974 to require a two-thirds vote for legislation that changes the discretionary spending limits or the pay-as-you-go provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 if the budget for the current year (or immediately preceding year) was not in surplus.

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 “Save Social Security
3 First Act of 2001”.

4 **SEC. 2. TRANSFER OF FUNDS.**

5 At the end of each fiscal year for which the budget
6 is in surplus, the Secretary of the Treasury shall transfer
7 from the general fund of the Treasury an amount equal
8 to that surplus to the Federal Old-Age and Survivors In-
9 surance Trust Fund and the Federal Disability Insurance
10 Trust Fund. The amounts so transferred shall be divided
11 between the trust funds in the same proportion as all other
12 receipts of those trust funds in that year.

13 **SEC. 3. INVESTMENT OF TRANSFERRED FUNDS.**

14 Within 90 days after the date of enactment of this
15 Act, the Board of Trustees of the Federal Old-Age and
16 Survivors Insurance Trust Fund and the Federal Dis-
17 ability Insurance Trust Fund shall promulgate guidelines
18 to govern the investment of amounts transferred under
19 section 2 and shall submit such guidelines to each House
20 of Congress. If Congress, by law, disapproves such guide-
21 lines, then they shall have no force or effect after the date
22 of enactment of such Act and the Board of Trustees shall
23 invest those amounts in the same manner as other moneys
24 in such Funds are invested.

1 **SEC. 4. DISCRETIONARY CAP OR PAY-AS-YOU-GO MODIFICA-**
 2 **TION MAY REQUIRE TWO-THIRDS VOTE.**

3 Section 312 of the Congressional Budget Act of 1974
 4 is amended by adding at the end the following new sub-
 5 section:

6 “(g) DISCRETIONARY CAP OR PAY-AS-YOU-GO MODI-
 7 FICATION MAY REQUIRE TWO-THIRDS VOTE.—

8 “(1) If—

9 “(A) the budget for the current year was
 10 not in surplus (or, if actual figures are unavail-
 11 able, then if the Director of the Congressional
 12 Budget Office did not project a surplus for that
 13 year); or

14 “(B) the budget for the fiscal year imme-
 15 diately preceding the current year was not in
 16 surplus;

17 then any bill, joint resolution, amendment, or conference
 18 report that repeals, increases, or waives any discretionary
 19 spending limit set forth in section 251 of the Balanced
 20 Budget and Emergency Deficit Control Act of 1985 or re-
 21 peals or waives section 252 (pay-as-you-go sequestration)
 22 of that Act shall not be considered as passed or agreed
 23 to unless so determined by a vote of not less than two-
 24 thirds of the Members voting.

25 “(2) DEFINITIONS.—As used in paragraph (1),
 26 the term ‘current year’ has the meanings given to

1 such term in section 250(c) of the Balanced Budget
2 and Emergency Deficit Control Act of 1985.

3 **SEC. 5. TECHNICAL AMENDMENT.**

4 Any transfer required by section 2 shall not count
5 as an outlay for purpose of the pay-as-you-go requirement
6 contained in section 252 of the Balanced Budget and
7 Emergency Deficit Control Act of 1985 and shall be ex-
8 empt from any sequestration under that Act.

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