

108TH CONGRESS
2D SESSION

H. R. 4895

To amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for enhanced retirement security in the form of an Individual Investment Program.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2004

Mr. SAM JOHNSON of Texas (for himself, Mr. TOOMEY, Mr. FLAKE, Ms. DUNN, Mr. SHADEGG, Mr. FEENEY, Mr. SMITH of Michigan, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. HOEKSTRA, Mr. OTTER, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mr. PITTS, and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for enhanced retirement security in the form of an Individual Investment Program.

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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Individual Social Security Investment Program Act of
6 2004”.

1 (b) TABLE OF CONTENTS.—The table of contents is
 2 as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Establishment of Individual Social Security Investment Program.

“PART B—INDIVIDUAL SOCIAL SECURITY INVESTMENT PROGRAM

“Sec. 251. Definitions.

“Sec. 252. Individual investment of social security contributions; part B
 totalization accounts.

“Sec. 253. Tier I Investment Fund.

“Sec. 254. Tier II Investment Fund.

“Sec. 255. Tier III investment accounts.

“Sec. 256. Retirement distributions.

“Sec. 257. Recognition bonds.

“Sec. 258. Supplemental minimum benefit payments.

“Sec. 259. Election for participation.

“Sec. 260. Early distribution and termination of participation in program.

“Sec. 261. Individual Investment Board.

“Sec. 262. Executive Director of the Individual Investment Board.

Sec. 3. Tax treatment of Individual Social Security Investment Program.

Sec. 4. Exclusion of Individual Investment Program participants from insur-
 ance benefits.

Sec. 5. CPI-indexed benefits for Part A beneficiaries other than disability bene-
 ficiaries.

Sec. 6. Maintenance of adequate balances in the Social Security Trust Funds.

3 **SEC. 2. ESTABLISHMENT OF INDIVIDUAL SOCIAL SECURITY**
 4 **INVESTMENT PROGRAM.**

5 (a) IN GENERAL.—Title II of the Social Security Act
 6 is amended—

7 (1) by inserting before section 201 the fol-
 8 lowing:

9 **“PART A—INSURANCE BENEFITS”**; and

10 (2) by adding at the end the following new part:

11 **“PART B—INDIVIDUAL SOCIAL SECURITY**
 12 **INVESTMENT PROGRAM**

13 **“SEC. 251. DEFINITIONS.**

14 **“For purposes of this part—**

1 “(1) PARTICIPANT.—The term ‘participant’
2 means—

3 “(A) any individual who is born on or after
4 January 1, 1983, and—

5 “(i) receives wages in any calendar
6 year after December 31, 2004, on which
7 there is imposed a tax under section
8 3101(a) of the Internal Revenue Code of
9 1986, or

10 “(ii) derives self-employment income
11 for a taxable year beginning after Decem-
12 ber 31, 2004, on which there is imposed a
13 tax under section 1401(a) of the Internal
14 Revenue Code of 1986, and

15 “(B) any individual who is born on or after
16 January 1, 1950, and before January 1, 1983,
17 and—

18 “(i)(I) receives wages in any calendar
19 year ending before January 1, 2004, on
20 which there is imposed a tax under section
21 3101(a) of the Internal Revenue Code of
22 1986, or

23 “(II) derives self-employment income
24 for a taxable year beginning before Janu-
25 ary 1, 2004, on which there is imposed a

1 tax under section 1401(a) of the Internal
2 Revenue Code of 1986, and

3 “(ii) has filed an election for partici-
4 pation in accordance with section 259.

5 “(2) BOARD.—The term ‘Board’ means the In-
6 dividual Investment Board established under section
7 261.

8 “(3) EXECUTIVE DIRECTOR.—The term ‘Execu-
9 tive Director’ means the Executive Director ap-
10 pointed under section 262.

11 “(4) PART B TOTALIZATION ACCOUNT.—The
12 term ‘part B totalization account’ means an account
13 established for a participant under section 252(d).

14 “(5) TIER I INVESTMENT FUND.—The term
15 ‘Tier I Investment Fund’ means the trust fund cre-
16 ated under section 253.

17 “(6) TIER II INVESTMENT FUND.—The term
18 ‘Tier II Investment Fund’ means the trust fund cre-
19 ated under section 254.

20 “(7) TIER III INVESTMENT ACCOUNT.—The
21 term ‘Tier III investment account’ means a trust es-
22 tablished pursuant to section 255.

1 **“SEC. 252. INDIVIDUAL INVESTMENT OF SOCIAL SECURITY**
2 **CONTRIBUTIONS; PART B TOTALIZATION AC-**
3 **COUNTS.**

4 “(a) PAYMENTS INTO TIER I INVESTMENT FUND.—

5 “(1) IN GENERAL.—During each calendar year,
6 the Secretary of the Treasury shall deposit into the
7 Tier I Investment Fund (established under section
8 253), from amounts held in the Federal Old-Age and
9 Survivors Insurance Trust Fund, a total amount
10 equal, in the aggregate, to 100 percent of the redi-
11 rected social security contribution for such calendar
12 year of each individual who is a participant for such
13 calendar year.

14 “(2) REDIRECTED SOCIAL SECURITY CONTRIBU-
15 TIONS.—For purposes of paragraph (1) the term ‘re-
16 directed social security contributions’ of a partici-
17 pant for a calendar year means the product derived
18 by multiplying—

19 “(A) the sum of the total wages paid to,
20 and self-employment income derived by, the
21 participant during such calendar year (taking
22 into account limits imposed by the contribution
23 and benefit base under section 230), by

24 “(B) 6.2 percent.

25 “(3) TRANSFERS BASED ON ESTIMATES.—The
26 amounts deposited pursuant to paragraph (1) shall

1 be transferred in at least monthly payments from
2 the Federal Old-Age and Survivors Insurance Trust
3 Fund to the Tier I Investment Fund, such amounts
4 to be determined on the basis of estimates, by the
5 Commissioner of Social Security and certified to the
6 Secretary of the Treasury under part A, of the
7 wages paid to, and self-employment income derived
8 by, participants, and proper adjustments shall be
9 made in amounts subsequently transferred to the ex-
10 tent prior estimates were in excess of or were less
11 than actual amounts.

12 “(4) SEPARATE ACCOUNTING AND CRED-
13 ITING.—

14 “(A) IN GENERAL.—Subject to this para-
15 graph, the Board shall provide, after the close
16 of each calendar year, for prompt accounting of
17 the amounts deposited in the Tier I Investment
18 Fund with respect to each participant during
19 such calendar year to such individual’s part B
20 totalization account (established under sub-
21 section (d)), together with properly allocated in-
22 creases and decreases in such amounts reflect-
23 ing the net returns from investment of the bal-
24 ance of the Fund during such year under sec-
25 tion 253. For purposes of determining such in-

1 creases and decreases in such amounts for each
 2 calendar year, the amounts deposited into the
 3 Fund in connection with any participant during
 4 such calendar year shall be deemed to have
 5 been deposited on June 30 of such year.

6 “(B) CREDITING.—Under such accounting,
 7 amounts deposited into the Fund during each
 8 calendar year with respect to the redirected so-
 9 cial security taxes of each participant (including
 10 net returns and losses from the investment
 11 Fund attributed to such amounts under this
 12 paragraph) shall be credited to such partici-
 13 pant’s part B totalization account not later
 14 than the end of the succeeding calendar year.

15 “(b) TRANSFERS INTO TIER II INVESTMENT
 16 FUND.—

17 “(1) IN GENERAL.—Upon the crediting to a
 18 participant’s part B totalization account of any
 19 amount held in the Tier I Investment Fund for any
 20 calendar year, the Board shall (except as provided in
 21 section 260(a)(2)) transfer the amount so credited
 22 to such account from the Tier I Investment Fund
 23 into the Tier II Investment Fund (established under
 24 section 254).

1 “(2) SEPARATE ACCOUNTING AND CRED-
2 TING.—Subject to this paragraph, the Board shall
3 provide for ongoing separate accounting in the par-
4 ticipant’s part B totalization account of the amounts
5 deposited in the Tier II Investment Fund with re-
6 spect to such participant during each calendar year,
7 together with any increases or decreases therein for
8 such year so as to reflect the net returns and losses
9 from investment thereof under section 254 while
10 held in the Tier II Investment Fund during such
11 year.

12 “(c) DEPOSITS TO TIER III INVESTMENT AC-
13 COUNTS.—

14 “(1) IN GENERAL.—In any case in which, as of
15 the end of any calendar year, the total balance in
16 the Tier II Investment Fund credited to the partici-
17 pant’s part B totalization account exceeds for the
18 first time the minimum deposit balance, the Board
19 shall, by regulation, provide for an opportunity for
20 such participating individual to make, at any time
21 thereafter, such individual’s first election of a Tier
22 III investment account for investment of an amount
23 credited to the participant’s part B totalization ac-
24 count. Such election may be in lieu of or in addition

1 to investment in any option available with respect to
2 the Tier II Investment Fund.

3 “(2) MINIMUM DEPOSIT BALANCE.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), the term ‘minimum deposit balance’
6 means an amount equal to \$10,000.

7 “(B) ADJUSTMENTS.—The Board shall ad-
8 just annually (effective for years after Decem-
9 ber 2005) the dollar amount set forth in sub-
10 paragraph (A) under procedures providing for
11 adjustments in the same manner and to the
12 same extent as adjustments are provided for
13 under the procedures used to adjust benefit
14 amounts under section 215(i)(2)(A), except that
15 any amount so adjusted that is not a multiple
16 of \$1.00 shall be rounded to the nearest mul-
17 tiple of \$1.00.

18 “(3) SUBSEQUENT INVESTMENT.—At any time
19 after a participant’s first election of a Tier III in-
20 vestment account pursuant to paragraph (1), the
21 participant may invest any portion of the balance
22 credited to the participant’s part B totalization ac-
23 count in a Tier III investment account, the Tier II
24 Investment Fund, or any combination thereof, as
25 elected by the participant from time to time in ac-

1 cordance with regulations of the Board under this
2 part.

3 “(d) ACCOUNTING FOR TOTAL INVESTED AMOUNTS
4 BY MEANS OF PART B TOTALIZATION ACCOUNTS.—

5 “(1) ESTABLISHMENT OF ACCOUNTS.—As soon
6 as practicable after the later of January 1, 2005, or
7 the date on which an individual becomes a partici-
8 pant under this part, the Executive Director shall
9 establish and maintain a part B totalization account
10 for such participant. Such account shall be the
11 means by which amounts held in the Tier I Invest-
12 ment Fund, the Tier II Investment Fund, and any
13 Tier III investment account of such participant are
14 credited to such participant under this part, under
15 procedures which shall be established by the Board
16 by regulation. The part B totalization account of a
17 participant shall be identified to such participant by
18 means of the participant’s social security account
19 number.

20 “(2) ACCOUNT BALANCE.—The balance in a
21 participant’s part B totalization account at any time
22 is the sum of—

23 “(A) any balance in the Tier I Investment
24 Fund credited to such participant’s part B to-
25 talization account prior to transfer to the Tier

1 II Investment Fund under section 252(b)(1);
2 plus

3 “(B) the excess of—

4 “(i) all deposits in the Tier II Invest-
5 ment Fund credited to such participant’s
6 part B totalization account under sub-
7 section (a) (including the proceeds of any
8 sale by such participant, as provided in
9 section 257(e), of any recognition bond
10 issued in the name of the participant
11 under section 257(b)), subject to such in-
12 creases and reductions as may result from
13 allocations made to and reductions made in
14 the account pursuant to paragraph (3)(A)
15 with respect to amounts in the Tier II In-
16 vestment Fund; over

17 “(ii) amounts credited to such partici-
18 pant’s part B totalization account under
19 subsection (a) paid out of the Tier II In-
20 vestment Fund under this part; plus

21 “(C) the excess of—

22 “(i) the deposits to any Tier III in-
23 vestment account of such participant, sub-
24 ject to such increases and reductions as
25 may result from allocations made to and

1 reductions made in the Tier III investment
2 account pursuant to paragraph (3)(B);
3 over

4 “(ii) amounts paid out of such partici-
5 pating individual’s Tier III investment ac-
6 count under this part.

7 “(3) ALLOCATION OF EARNINGS AND LOSSES.—
8 Pursuant to regulations which shall be prescribed by
9 the Board, the Executive Director shall allocate to
10 the part B totalization account of each participant
11 an amount equal to the net earnings and net losses
12 from each investment of sums—

13 “(A) in the Tier II Investment Fund which
14 are attributable to sums credited to such par-
15 ticipant’s part B totalization account, reduced
16 by an appropriate share of the administrative
17 expenses paid out of the net earnings, as deter-
18 mined by the Executive Director; and

19 “(B) in any Tier III investment account of
20 such participant, reduced by administrative ex-
21 penses.

22 “(e) TREATMENT OF TRANSFERS.—Transfers from
23 the Federal Old-Age and Survivors Insurance Trust Fund
24 to the Tier I Investment Fund and transfers among the
25 Tier I Investment Fund, Tier II Investment Fund, and

1 Tier III investment accounts under this part shall not be
 2 included in the totals of the budget of the United States
 3 Government as submitted by the President or of the con-
 4 gressional budget and shall be exempt from any general
 5 budget limitation imposed by statute on budget outlays of
 6 the United States Government.

7 **“SEC. 253. TIER I INVESTMENT FUND.**

8 “(a) ESTABLISHMENT OF TIER I INVESTMENT
 9 FUND.—There is established in the Treasury of the
 10 United States a trust fund to be known as the ‘Tier I
 11 Investment Fund’. The Board shall serve as trustees of
 12 such Fund. The Fund consists of all amounts derived from
 13 payments into the Fund under section 252(a) and remain-
 14 ing after investment of such amounts under subsection (b)
 15 of this section, including additional amounts derived as in-
 16 come from such investments. The amounts held in the
 17 Fund are appropriated and shall remain available without
 18 fiscal year limitation—

19 “(1) to be held for investment on behalf of par-
 20 ticipants under subsection (b),

21 “(2) to pay the administrative expenses related
 22 to the Fund and to investment under subsection (b),

23 “(3) to make transfers to the Tier II Invest-
 24 ment Fund under section 252(b) or to Tier III in-
 25 vestment accounts under section 252(c),

1 “(4) to make payments under section
2 260(a)(2), and

3 “(5) to make lump sum distributions under
4 subsections (c) and (d).

5 “(b) INVESTMENT OF FUND BALANCE.—For pur-
6 poses of investment of the Tier I Investment Fund, the
7 Board shall contract with appropriate professional asset
8 managers selected for investment of amounts held in the
9 Fund, so as to provide for investment of the balance of
10 the Fund, in a manner providing broad diversification in
11 accordance with regulations of the Board, in certificates
12 of deposit or other instruments or obligations selected by
13 such asset managers, which return the amount invested
14 and pay interest, at a specified rate or rates, on that
15 amount during a specified period of time.

16 “(c) RETIREMENT DISTRIBUTION.—As soon as prac-
17 ticable after the commencement of the distribution under
18 section 256 of assets credited to a participant’s part B
19 totalization account, the amount of any assets in the Tier
20 I Investment Fund credited to such account shall be dis-
21 tributed to such participant in a lump sum, under rules
22 established by the Board.

23 “(d) LUMP SUM PAYMENT TO ESTATE UPON DEATH
24 OF PARTICIPANT.—Upon the death of a participant, the
25 amount of any assets in the Tier I Investment Fund cred-

1 ited to such participant's part B totalization account shall
 2 be transferred in a lump sum, under rules established by
 3 the Board—

4 “(1) in any case in which one or more bene-
 5 ficiaries have been designated in advance, in accord-
 6 ance with regulations which shall be prescribed by
 7 the Board, to such beneficiaries in accordance with
 8 such designation as provided in such regulations,
 9 and

10 “(2) in the case of any amount not distributed
 11 as described in paragraph (1), to such participant's
 12 estate.

13 **“SEC. 254. TIER II INVESTMENT FUND.**

14 “(a) ESTABLISHMENT OF TIER II INVESTMENT
 15 FUND.—There is established in the Treasury of the
 16 United States a trust fund to be known as the ‘Tier II
 17 Investment Fund’. The Board shall serve as trustees of
 18 such Fund. The Fund consists of all amounts derived from
 19 payments into the Fund under section 252(b)(1) and re-
 20 maining after investment of such amounts under sub-
 21 section (b) of this section, including additional amounts
 22 derived as income from such investments. The amounts
 23 held in the Fund are appropriated and shall remain avail-
 24 able without fiscal year limitation—

1 “(1) to be held for investment under subsection
2 (b),

3 “(2) to pay the administrative expenses related
4 to the Fund and to investment under subsection (b),

5 “(3) to make transfers to Tier III investment
6 accounts under section 252(c)(1),

7 “(4) to make retirement distributions in accord-
8 ance with section 256, and

9 “(5) to make lump sum distributions under sec-
10 tion 256 and subsection (c) of this section.

11 “(b) INVESTMENT IN EQUITIES AND FIXED INCOME
12 INSTRUMENTS IN MANAGEMENT ACCOUNTS.—

13 “(1) IN GENERAL.—For purposes of investment
14 of the Tier II Investment Fund, the Board shall di-
15 vide the Fund into multiple management accounts.
16 Such accounts shall consist of the 60/40 manage-
17 ment account and 2 or more additional management
18 accounts providing for investment in each account in
19 a combination of equities and fixed income instru-
20 ments in accordance with prescribed percentages, as
21 provided in paragraph (2). The Board shall contract
22 with appropriate investment managers selected for
23 investment of amounts held in each management ac-
24 count.

1 “(2) RULES RELATING TO MANAGEMENT AC-
2 COUNTS.—

3 “(A) IN GENERAL.—The investment man-
4 ager selected for investment of amounts held in
5 each management account referred to in para-
6 graph (1) shall invest such amounts under reg-
7 ulations which shall be prescribed by the Board
8 so as to ensure, to the maximum extent prac-
9 ticable, that, of the total balance in the Fund
10 credited to such account and available for in-
11 vestment (after allowing for administrative ex-
12 penses)—

13 “(i) the prescribed equities percentage
14 is invested in equities in accordance with
15 paragraph (4), and

16 “(ii) the prescribed fixed income in-
17 strument percentage is invested in fixed in-
18 come instruments in accordance with para-
19 graph (5).

20 “(B) PRESCRIBED PERCENTAGES.—For
21 purposes of subparagraph (A)—

22 “(i) THE 60/40 MANAGEMENT AC-
23 COUNT.—In the case of the 60/40 manage-
24 ment account—

1 “(I) the prescribed equities per-
2 centage is 60 percent, and

3 “(II) the prescribed fixed income
4 instrument percentage is 40 percent.

5 “(ii) OTHER MANAGEMENT AC-
6 COUNTS.—In the case of any other man-
7 agement account—

8 “(I) the prescribed equities per-
9 centage is a prescribed percentage not
10 in excess of 80 percent, and

11 “(II) the prescribed fixed income
12 instrument percentage is the remain-
13 ing percentage of the amount invested
14 in the management account.

15 “(3) ELECTION OF MANAGEMENT ACCOUNTS.—

16 “(A) DEFAULT MANAGEMENT ACCOUNT.—
17 Except as provided in an election in effect
18 under subparagraph (B), amounts held in the
19 Tier II Investment Fund shall be credited to
20 the 60/40 management account.

21 “(B) ELECTION OF TRANSFERS BETWEEN
22 MANAGEMENT ACCOUNTS.—Pursuant to the
23 written election, filed in accordance with regula-
24 tions of the Board and received by the Sec-
25 retary of the Treasury during an applicable

election month by a participant who has an amount credited to such participant's part B totalization account invested in any of the management accounts in the Tier II Investment Fund, the Secretary of the Treasury shall transfer such amount from such account to any of the other management accounts in the Tier II Investment Fund (whichever is designated in such election).

“(C) APPLICABLE ELECTION MONTH.—For purposes of subparagraph (B), the term ‘applicable election month’, in connection with a participant, means—

“(i) the calendar month in which occurs the anniversary of such participant's birth, and

“(ii) the 6th calendar month following such month.

“(4) INVESTMENT IN EQUITIES.—In accordance with regulations which shall be prescribed by the Board, the Board shall establish standards which must be met by equities selected for investment of amounts in any management account in the Tier II Investment Fund pursuant to paragraph (2)(A)(i). In conformity with such standards, the Board shall

1 select, for purposes of such investment, indices
2 which are comprised of equities the aggregate mar-
3 ket value of which is, in each case, a reasonably
4 broad representation of companies whose shares are
5 traded on the equity markets. Amounts invested in
6 equities by each investment manager shall be held in
7 a portfolio designed to replicate the performance of
8 one or more of such indices.

9 “(5) INVESTMENT IN FIXED INCOME INSTRU-
10 MENTS.—In accordance with regulations which shall
11 be prescribed by the Board, the Board shall estab-
12 lish standards which must be met by fixed income
13 instruments selected for investment of amounts in
14 any management account in the Tier II Investment
15 Fund pursuant to paragraph (2)(A)(ii). Such stand-
16 ards shall take into account the competing consider-
17 ations of risk and return. Amounts invested in fixed
18 income instruments by each investment manager
19 shall be held in a portfolio which shall consist of a
20 diverse range of fixed income instruments, taking
21 into full account the opposing considerations of risk
22 and maximization of return.

23 “(c) PERIODIC REPORTS BY BOARD.—

24 “(1) IN GENERAL.—The Board shall make peri-
25 odic reports concerning the status of the investment

1 in the Tier II Investment Fund of amounts credited
2 to each participant's part B totalization account.
3 Each periodic report shall be furnished to the partic-
4 ipant on at least a semiannual basis on or before the
5 60th day following the period for which the report
6 is required.

7 “(2) INFORMATION REQUIRED TO BE IN-
8 CLUDED.—The periodic report shall contain the fol-
9 lowing information for transactions occurring during
10 the period for which the report is provided:

11 “(A) The balance in the Tier II Investment
12 Fund credited to the participant's part B total-
13 ization account.

14 “(B) The rate of return on such balance
15 for the period covered, set forth separately for
16 each management account in the case of an in-
17 vestment in 2 or more management accounts
18 during the period.

19 “(C) The amount of authorized contribu-
20 tions made to the Tier II management account
21 and credited to the participant's part B total-
22 ization account.

23 “(D) The name and address of the Board.

24 “(E) Commission fees and fees for admin-
25 istrative expenses charged in connection with

1 the investment in the Tier II Improvement
2 Fund during the period.

3 “(F) Other information which may be re-
4 quired from time to time by the Board.

5 The language of the report shall be written in a
6 form so as to be understood by the average partici-
7 pant.

8 “(d) LUMP SUM PAYMENT TO ESTATE UPON DEATH
9 OF PARTICIPANT.—Upon the death of a participant, the
10 amount of any assets in the Tier II Investment Fund cred-
11 ited to such participant’s part B totalization account shall
12 be transferred in a lump sum, under rules established by
13 the Board—

14 “(1) in any case in which one or more bene-
15 ficiaries have been designated in advance, in accord-
16 ance with regulations which shall be prescribed by
17 the Board, to such beneficiaries in accordance with
18 such designation as provided in such regulations,
19 and

20 “(2) in the case of any amount not distributed
21 as described in paragraph (1), to such individual’s
22 estate.

23 **“SEC. 255. TIER III INVESTMENT ACCOUNTS.**

24 “(a) DESIGNATION OF TIER II INVESTMENT AC-
25 COUNTS.—Under regulations prescribed by the Board, a

1 participant, upon the initial attainment of a minimum de-
 2 posit balance in amounts in the Tier II Investment Fund
 3 credited to the participant's part B totalization account,
 4 as described in section 252(c), may designate to the
 5 Board, in such form and manner as shall be prescribed
 6 in such regulations, a Tier III investment account to
 7 which deposits with respect to the individual are to be
 8 made under section 252(c). The individual may designate
 9 another Tier III investment account in lieu of any account
 10 previously designated, in accordance with regulations of
 11 the Board.

12 “(b) DEFINITION.—For purposes of this part, the
 13 term ‘Tier III investment account’ means a trust created
 14 or organized in the United States for the exclusive benefit
 15 of a participant or his beneficiaries, but only if the written
 16 governing instrument creating the trust meets the fol-
 17 lowing requirements:

18 “(1) RESTRICTED CONTRIBUTIONS.—No con-
 19 tribution will be accepted unless it is in the form of
 20 a deposit to the account pursuant to section
 21 252(c)(1).

22 “(2) TRUSTEE REQUIREMENTS.—The trustee
 23 is—

24 “(A) a bank (as defined in section 581 of
 25 the Internal Revenue Code of 1986),

1 “(B) an insured credit union (as defined in
2 section 101(6) of the Federal Credit Union
3 Act),

4 “(C) a corporation which, under the laws
5 of the State of its incorporation, is subject to
6 supervision and examination by the Commis-
7 sioner of Banking or other officer of such State
8 in charge of the administration of the banking
9 laws of such State,

10 “(D) a regulated investment company (as
11 defined in section 851 of the Internal Revenue
12 Code of 1986) for which an election is in effect
13 under section 851(b)(1) of such Code, or

14 “(E) any other person designated by the
15 Board under regulations prescribed under this
16 paragraph,

17 but only if the trustee demonstrates to the satisfac-
18 tion of the Board that its portfolio assets either rep-
19 licate the assets of a broad-based index of equities
20 or fixed income instruments which is approved by
21 the Board or are of a type that the Board has deter-
22 mined not to involve high risks for the investor, and
23 that the manner in which it will administer the trust
24 will be consistent with the requirements of this sec-
25 tion.

1 “(3) NONFORFEITABILITY.—The interest of an
2 individual in the balance of his account is nonforfeit-
3 able.

4 “(4) DIVERSIFICATION.—The investment op-
5 tions made available to participants by the trustee
6 include reasonably diversified options of equities,
7 fixed income instruments, or a combination of both.

8 “(5) SEPARATION OF ASSETS.—The assets of
9 the trust will not be commingled with other property
10 except in a common trust fund or common invest-
11 ment fund.

12 “(c) INVESTMENT STANDARDS.—The trustee of a
13 Tier III investment account shall invest amounts credited
14 to the part B totalization account of a participant which
15 are held in such account in accordance with standards
16 which shall be prescribed by the Board by regulation. Such
17 standards shall ensure that investments made available to
18 participants by the trustee are reasonably diversified, that
19 assets held in a Tier III investment account are nonforfeit-
20 able, and that the trustee complies with applicable fidu-
21 ciary requirements.

22 “(d) PERIODIC REPORTS BY ACCOUNT TRUSTEE.—

23 “(1) IN GENERAL.—The trustee of a partici-
24 pant’s Tier III investment account shall, in accord-
25 ance with regulations of the Board, make periodic

1 reports concerning the status of the account which
2 shall meet the requirements of this section. Each
3 periodic report shall be furnished to the participant
4 on at least a semiannual basis on or before the 60th
5 day following the period for which the report is re-
6 quired.

7 “(2) INFORMATION REQUIRED TO BE IN-
8 CLUDED.—The periodic report shall contain the fol-
9 lowing information for transactions occurring during
10 the period for which the report is provided:

11 “(A) The balance in the Tier III invest-
12 ment account.

13 “(B) The rate of return for the period cov-
14 ered.

15 “(C) The amount of authorized account
16 contributions.

17 “(D) The name and address of the trustee.

18 “(E) Commission fees and fees for admin-
19 istrative expenses charged in connection with
20 the account.

21 “(F) Other information which may be re-
22 quired from time to time by the Board.

23 The language of the report shall be written in a
24 form so as to be understood by the average partici-
25 pant.

1 “(3) REPORTS TO BOARD.—The Board may re-
2 quire the periodic report to be filed with the Board
3 at such time as the Board may specify in regulations
4 under this section, except that at least 1 periodic re-
5 port filed annually with Board shall provide informa-
6 tion with respect to the account as of December 31
7 preceding the date of the issuance of the report.

8 “(4) FAILURE BY TRUSTEE TO MAKE TIMELY
9 PERIODIC REPORTS.—

10 “(A) IN GENERAL.—The trustee of a Tier
11 III investment account shall be subject to a civil
12 penalty of not to exceed \$100 a day from the
13 date of such trustee’s failure or refusal to fur-
14 nish the periodic report required to be furnished
15 by the trustee under this subsection until the
16 date on which such report is furnished.

17 “(B) PENALTIES ASSESSED BY BOARD.—
18 Any civil penalty assessed by this paragraph
19 shall be imposed by the Board and collected in
20 a civil action. The Board may compromise the
21 amount of any civil penalty imposed by this
22 paragraph. The Board may waive the applica-
23 tion of this paragraph with respect to any fail-
24 ure if the Board determines that such failure is

1 due to reasonable cause and not to intentional
2 disregard of rules and regulations.

3 “(e) LUMP SUM PAYMENT TO ESTATE UPON DEATH
4 OF ACCOUNT HOLDER.—Upon the death of a participant
5 who has an amount credited to such participant’s part B
6 totalization account invested in a Tier III investment ac-
7 count, such amount shall be distributed in a lump sum
8 distribution, under rules established by the Board—

9 “(1) in any case in which one or more bene-
10 ficiaries have been designated in advance, in accord-
11 ance with regulations which shall be prescribed by
12 the Board, to such beneficiaries in accordance with
13 such designation as provided in such regulations,
14 and

15 “(2) in the case of any amount not distributed
16 as described in paragraph (1), to the participant’s
17 estate.

18 **“SEC. 256. RETIREMENT DISTRIBUTIONS.**

19 “(a) IN GENERAL.—Except as provided in this sec-
20 tion, amounts credited to a participant’s part B total-
21 ization account may be distributed to the participant only
22 on and after the participant’s retirement date. Such dis-
23 tribution shall be in the form of—

24 “(1) an individual social security annuity meet-
25 ing the requirements of subsection (b),

1 “(2) a programmed withdrawal meeting the re-
2 quirements of subsection (c), or

3 “(3) a combination, meeting the requirements
4 of subsection (d), of an individual social security an-
5 nuity (meeting the requirements of paragraph (2))
6 and a lump sum distribution.

7 Not later than the date on which the participant attains
8 age 62, and at any other time upon the request of the
9 participant, the Board shall notify the participant of the
10 most recent listing of forms of distribution approved under
11 this section and the entitlement (if any) of the participant
12 to such a distribution.

13 “(b) RETIREMENT DATE.—For purposes of this sec-
14 tion, the term ‘retirement date’, in connection with a par-
15 ticipant, means the earlier of—

16 “(1) any date as of which the participant has
17 attained retirement age (as defined in section
18 216(l)(1)), or

19 “(2) the date designated for distribution of the
20 balance in the participant’s part B totalization ac-
21 count pursuant to section 260.

22 “(c) PURCHASE OF ANNUITIES.—

23 “(1) IN GENERAL.—

24 “(A) SELECTION OF ANNUITY.—On the
25 participant’s retirement date, the participant

1 may purchase an individual social security an-
2 nuity selected from among the annuities ap-
3 proved by the Board under paragraph (2).

4 “(B) TRANSFER OF ASSETS.—Upon the
5 selection by a participant under subparagraph
6 (A), the Board shall provide for the transfer of
7 all assets credited to the participant’s part B
8 totalization account and determined under reg-
9 ulations of the Board to be available for dis-
10 tribution to purchase the annuity selected by
11 the individual.

12 “(2) APPROVAL OF INDIVIDUAL SOCIAL SECU-
13 RITY ANNUITIES.—

14 “(A) CERTIFICATION OF ISSUERS.—

15 “(i) IN GENERAL.—The Board shall
16 certify issuers eligible to enter into annuity
17 contracts with participants under this sub-
18 section.

19 “(ii) APPLICATION.—Any issuer that
20 desires to be certified by the Board to
21 issue an individual social security annuity
22 shall submit an application to the Board at
23 such time, in such manner, and containing
24 such information as the Board may re-
25 quire.

1 “(iii) SEPARATION FROM OTHER OP-
2 ERATIONS.—As a condition of certification
3 under this subparagraph, each issuer shall
4 maintain each individual social security an-
5 nuity issued by such issuer separate from
6 all other operations of the issuer.

7 “(iv) EXEMPTION FROM THIRD PARTY
8 CLAIMS.—Each individual social security
9 annuity shall be exempt from any and all
10 third party claims against the issuer.

11 “(B) APPROVAL OF INDIVIDUAL SOCIAL
12 SECURITY ANNUITIES.—

13 “(i) IN GENERAL.—No funds may be
14 transferred into an individual social secu-
15 rity annuity unless the Board has approved
16 an application submitted under clause (ii)
17 with respect to the annuity.

18 “(ii) APPLICATION.—With respect to
19 each individual social security annuity that
20 an issuer certified under subparagraph
21 (A)(i) seeks to issue, such issuer shall sub-
22 mit an application to the Board at such
23 time, in such manner, and containing such
24 information as the Board may require.

1 “(iii) QUALIFICATIONS FOR AP-
 2 PROVAL.—The Board may not approve an
 3 application under clause (i) unless the indi-
 4 vidual social security annuity that is the
 5 subject of the application meets qualifica-
 6 tions which shall be specified in regulations
 7 of the Board. Such qualifications shall in-
 8 clude the safety and soundness of the an-
 9 nuity, the experience and record of per-
 10 formance of the issuer issuing the annuity,
 11 and such other factors as the Board may
 12 determine appropriate.

13 “(d) PROGRAMMED WITHDRAWAL.—On the partici-
 14 pant’s retirement date, the participant may elect distribu-
 15 tion under this section of the balance credited to the par-
 16 ticipant’s part B totalization account as provided in this
 17 subsection. Such distribution shall be in the form of a
 18 combination of—

19 “(1) equal annual or more frequent periodic in-
 20 stallments of the principal portion of the balance
 21 over twice his or her life expectancy, and

22 “(2) any distribution of any remaining balance
 23 in accordance with this section.

24 “(e) COMBINATION OF LUMP SUM PAYMENT AND
 25 ANNUITY.—On the participant’s retirement date, the par-

1 participant may elect distribution under this section of the
2 balance credited to the participant's part B totalization
3 account as provided in this subsection. Such distribution
4 shall be in the form of a combination of a lump sum pay-
5 ment and an annuity approved under subsection (b). Any
6 such lump sum payment shall be limited to the extent nec-
7 essary to ensure that remaining funds credited to the ac-
8 count are sufficient to provide, through the purchase of
9 such an annuity, a monthly payment over the life expect-
10 ancy of the participant (determined under reasonable ac-
11 tuarial assumptions) which is at least, on an annual basis,
12 equal to 120 percent of the poverty line (as determined
13 on such date, for an individual, under section 673(2) of
14 the Community Services Block Grant Act (42 U.S.C.
15 9902(2))).

16 “(f) LUMP SUM DISTRIBUTIONS OF DE MINIMIS
17 AMOUNTS.—In any case in which, as of the date on which
18 the participant attains retirement age (as defined in sec-
19 tion 216(l)(1)), a distribution under this section has not
20 commenced, and the total amount of the assets credited
21 to the participant's part B totalization account is less than
22 the minimum deposit balance (as defined in section
23 252(c)(2)(B)), the preceding provisions of this section
24 shall not apply, and such assets shall be distributed to the

1 participant in a lump sum upon the request of the partici-
 2 pant, under rules established by the Board.

3 “(g) PROTECTION FROM ASSIGNMENT OR ALIEN-
 4 ATION.—Payments in the form of distributions from the
 5 Tier II Investment Fund or a Tier III investment account
 6 may not be assigned or alienated.

7 **“SEC. 257. RECOGNITION BONDS.**

8 “(a) CERTIFICATION OF CREDITED WAGES AND
 9 SELF-EMPLOYMENT INCOME.—Not later than July 1 fol-
 10 lowing the effective date of an election to become a partici-
 11 pant filed by an individual under section 259, the Commis-
 12 sioner of Social Security shall certify to the Secretary of
 13 the Treasury whether such individual was, as of imme-
 14 diately before such effective date, credited with wages and
 15 self-employment income under part A.

16 “(b) ISSUANCE OF BOND.—Immediately upon receipt
 17 of certification under subsection (a) that an individual is
 18 credited with wages and self-employment income under
 19 part A, the Secretary of the Treasury shall issue a recogni-
 20 tion bond in the name of such individual as an obligation
 21 of the United States, which shall be deposited in the Tier
 22 II Investment Fund and held in such Fund for such indi-
 23 vidual together with such individual’s part B totalization
 24 account. The purposes for which obligations of the United
 25 States may be issued under chapter 31 of title 31, United

1 States Code, are hereby extended to authorize the issuance
2 of public debt obligations consisting of recognition bonds
3 issued under this paragraph. Each such obligation shall
4 be evidenced by a paper instrument issued by the Sec-
5 retary of the Treasury setting forth the terms specified
6 in this section, and stating on its face that the obligation
7 shall be incontestable in the hands of the bearer, that the
8 obligation is supported by the full faith and credit of the
9 United States, and that the United States is pledged to
10 the payment of the obligation, in accordance with the pro-
11 visions of this section.

12 “(c) CALCULATION OF FACE VALUE.—

13 “(1) IN GENERAL.—The face value of a rec-
14 ognition bond issued in the name of an individual
15 under this section shall be the actuarial present
16 value of the future monthly insurance benefits under
17 part A to which such individual would have been en-
18 titled, and to which other individuals would have
19 been entitled under part A based on such individ-
20 ual’s wages and self-employment income, determined
21 under then current law but as if section 215(j) did
22 not apply and subject to paragraph (2) of this sub-
23 section.

1 “(2) ASSUMPTIONS.—The actuarial present
2 value determined under paragraph (1) shall be de-
3 termined—

4 “(A) taking into account solely wages and
5 self-employment income credited to such indi-
6 vidual as of the effective date of the election re-
7 ferred to in subsection (a),

8 “(B) assuming that such individual would
9 become entitled to disability insurance benefits
10 under section 223 (in lieu of old-age insurance
11 benefits under section 202(a)) on the day such
12 individual would attain retirement age (as de-
13 fined in section 216(l)), except that, in com-
14 puting average indexed monthly earnings under
15 section 215(b), the number of such individual’s
16 benefit computation years shall be determined
17 without regard to any reduction in the number
18 of elapsed years under section 215(b)(2)(A),
19 and

20 “(C) using reasonable actuarial assump-
21 tions, including reasonable current age-specific
22 and gender-specific expected mortality rates.

23 “(d) REDEMPTION.—A bond issued in the name of
24 any participant under this section shall be redeemable (by
25 the participant or other person bearing the bond after sale

1 or resale pursuant to subsection (e)) on or after the date
 2 on which such participant would attain retirement age (as
 3 defined in section 216(l)(1)), for the amount of the face
 4 value.

5 “(e) NEGOTIABILITY AND CREDITING OF PROCEEDS
 6 TO PART B TOTALIZATION ACCOUNT.—A recognition
 7 bond issued in the name of a participant under this section
 8 shall not be taken into account in determining the amount
 9 credited to the participant’s part B totalization account.
 10 Such bond shall be fully tradable on the secondary mar-
 11 kets under such procedures as may be provided in regula-
 12 tions of the Board, and any amount derived by the partici-
 13 pant from the sale of such bond shall be deposited in the
 14 Tier II Investment Fund and shall be included in the total
 15 amount credited to such participant’s part B totalization
 16 account.

17 **“SEC. 258. SUPPLEMENTAL MINIMUM BENEFIT PAYMENTS.**

18 “(a) IN GENERAL.—In any case in which—

19 “(1) a participant attains retirement age (as
 20 defined in section 216(l)(1)),

21 “(2) as of the date such participant attains
 22 such age, no distribution from amounts credited to
 23 the participant’s part B totalization account has
 24 been made to the participant under section 260, and

1 “(3) as of such date, the balance in the partici-
2 pant’s part B totalization account does not exceed
3 the minimum annuity amount,
4 the Board shall promptly notify the participant of the par-
5 ticipant’s eligibility for a supplemental minimum benefit
6 payment under this section. The participant, upon applica-
7 tion to the Board filed by the participant on or after such
8 date and in such form and manner as shall be prescribed
9 by the Board, shall be entitled to a supplemental minimum
10 benefit payment either to the Tier II Investment Fund (to
11 the credit of the participant’s part B totalization account)
12 or to the participant’s Tier III investment account, as may
13 be specified by the participant in such application. Upon
14 receipt of such application, the Board shall certify to the
15 Secretary of the Treasury the amount of such payment,
16 and such Secretary shall pay the amount of such payment
17 to such Fund or such Tier III investment account in ac-
18 cordance with such certification from funds otherwise
19 available in the general fund of the Treasury.

20 “(b) AMOUNT OF SUPPLEMENTAL MINIMUM BEN-
21 EFIT PAYMENT.—The amount of a supplemental min-
22 imum benefit payment payable with respect to a partici-
23 pant under subsection (a) is the excess (if any) of—

24 “(1) the minimum annuity amount as of the
25 date described in subsection (a), over

1 “(2) the amount credited to the participant’s
2 part B totalization account.

3 “(c) MARRIED COUPLES.—In the case of any 2 par-
4 ticipants who are married, subsection (a) shall apply with
5 respect to each such participant, upon the joint written
6 request of such participants, by totalling the balances in
7 the accounts referred to in subsection (a) of both such in-
8 dividuals.

9 “(d) PROTECTION FROM ASSIGNMENT OR ALIEN-
10 ATION.—Any supplemental minimum benefit payment
11 under this section may not be assigned or alienated.

12 “(e) MINIMUM ANNUITY AMOUNT.—

13 “(1) IN GENERAL.—For purposes of this sec-
14 tion, the term ‘minimum annuity amount’ means an
15 amount necessary to purchase, as of the date de-
16 scribed in subsection (a), an immediate life annuity
17 which provides for payments which are, on an an-
18 nual basis, at least equal to 120 percent of the pov-
19 erty line (as in effect on such date, for an individual,
20 under section 673(2) of the Community Services
21 Block Grant Act (42 U.S.C. 9902(2))).

22 “(2) IMMEDIATE LIFE ANNUITY.—For purposes
23 of paragraph (1), the term ‘immediate life annuity’
24 means an annuity—

1 “(A) the annuity starting date (as defined
 2 in section 72(c)(4) of the Internal Revenue
 3 Code of 1986) of which commences with the
 4 first month following the date described in sub-
 5 section (a), and

6 “(B) which provides for a series of sub-
 7 stantial equal annual payments over the life ex-
 8 pectancy of the participant.

9 **“SEC. 259. ELECTION FOR PARTICIPATION.**

10 “(a) IN GENERAL.—Any individual who—

11 “(1) is not a participant (within the meaning of
 12 section 251(1)(A)),

13 “(2) meets the requirements of clause (i) of sec-
 14 tion 251(1)(B),

15 “(3) has not attained retirement age (as de-
 16 fined in section 216(l)(1)), and

17 “(4) has not become entitled to old-age insur-
 18 ance benefits under section 202(a),

19 may file with the Board under this section, in such form
 20 and manner as shall be prescribed in regulations of the
 21 Board, a written form electing the status of ‘participant’
 22 for purposes of this part. On and after the effective date
 23 of the election, such individual shall be treated as a partic-
 24 ipant under this part.

1 “(b) EFFECTIVE DATE OF ELECTION.—An election
 2 under this section shall take effect on January 1 of the
 3 first calendar year beginning after 60 days after the date
 4 of the filing of the election in accordance with subsection
 5 (a).

6 “(c) IRREVOCABILITY.—Any election under this sec-
 7 tion shall be irrevocable.

8 **“SEC. 260. EARLY DISTRIBUTION AND TERMINATION OF**
 9 **PARTICIPATION IN PROGRAM.**

10 “(a) IN GENERAL.—In any case in which the amount
 11 credited to a participant’s part B totalization account as
 12 of any date prior to the date on which the participant at-
 13 tains retirement age (as defined in section 216(l)(1))
 14 equals at least the amount necessary to purchase an im-
 15 mediate life annuity which provides for payments which
 16 are, on an annual basis, at least equal to 120 percent of
 17 the poverty line (as in effect on such date, for an indi-
 18 vidual, under section 673(2) of the Community Services
 19 Block Grant Act (42 U.S.C. 9902(2))), the Board shall
 20 promptly so inform the participant, and, upon application
 21 of the participant filed with the Board under this section
 22 in accordance with regulations of the Board—

23 “(1) the Board shall commence distribution
 24 under section 256 of the amount credited to such
 25 participant’s part B totalization account, and

1 “(2) in lieu of the transfer, after the date of the
2 commencement of such distribution, of any amount
3 credited to such participant’s part B totalization ac-
4 count from the Tier I Investment Fund to the Tier
5 II Investment Fund or a Tier III investment ac-
6 count, the Board shall provide for the direct pay-
7 ment of such amount to the participant.

8 “(b) IMMEDIATE LIFE ANNUITY.—For purposes of
9 subsection (a), the term ‘immediate life annuity’ means
10 an annuity—

11 “(1) the annuity starting date (as defined in
12 section 72(c)(4) of the Internal Revenue Code of
13 1986) of which commences with the first month fol-
14 lowing the date referred to in subsection (a), and

15 “(2) which provides for a series of substantial
16 equal annual payments over the life expectancy of
17 the participant.

18 “(c) MARRIED COUPLES.—In the case of any 2 par-
19 ticipants who are married, subsection (a) shall apply with
20 respect to each such participant, upon the joint written
21 request of such participants, by totalling the balances in
22 the accounts referred to in subsection (a) of both such in-
23 dividuals.

1 **“SEC. 261. INDIVIDUAL INVESTMENT BOARD.**

2 “(a) ESTABLISHMENT.—There is established in the
3 executive branch of the Government an Individual Invest-
4 ment Board.

5 “(b) COMPOSITION.—The Board shall be composed
6 of—

7 “(1) 3 members appointed by the President, of
8 whom 1 shall be designated by the President as
9 Chairman; and

10 “(2) 2 members appointed by the President, of
11 whom—

12 “(A) 1 shall be appointed by the President
13 after taking into consideration the recommenda-
14 tion made by the Speaker of the House of Rep-
15 resentatives in consultation with the Minority
16 Leader of the House of Representatives; and

17 “(B) 1 shall be appointed by the President
18 after taking into consideration the recommenda-
19 tion made by the Majority Leader of the Senate
20 in consultation with the Minority Leader of the
21 Senate.

22 “(c) ADVICE AND CONSENT.—Appointments under
23 subsection (b) shall be made by and with the advice and
24 consent of the Senate.

25 “(d) MEMBERSHIP REQUIREMENTS.—Members of
26 the Board shall have substantial experience, training, and

1 expertise in the management of financial investments and
2 pension benefit plans.

3 “(e) LENGTH OF APPOINTMENTS.—

4 “(1) TERMS.—A member of the Board shall be
5 appointed for a term of 4 years, except that of the
6 members first appointed under subsection (b)—

7 “(A) the Chairman shall be appointed for
8 a term of 4 years;

9 “(B) the members appointed under sub-
10 section (b)(2) shall be appointed for terms of 3
11 years; and

12 “(C) the remaining members shall be ap-
13 pointed for terms of 2 years.

14 “(2) VACANCIES.—

15 “(A) IN GENERAL.—A vacancy on the
16 Board shall be filled in the manner in which the
17 original appointment was made and shall be
18 subject to any conditions that applied with re-
19 spect to the original appointment.

20 “(B) COMPLETION OF TERM.—An indi-
21 vidual chosen to fill a vacancy shall be ap-
22 pointed for the unexpired term of the member
23 replaced.

1 “(3) EXPIRATION.—The term of any member
2 shall not expire before the date on which the mem-
3 ber’s successor takes office.

4 “(f) DUTIES.—The Board shall—

5 “(1) administer the program established under
6 this part;

7 “(2) establish policies for the investment and
8 management of the Tier I Investment Fund, the
9 Tier II Investment Fund, and Tier III investment
10 accounts, including policies applicable to the asset
11 managers with responsibility for managing the in-
12 vestment of individual investment account balances,
13 and for the management and operation of individual
14 social security annuities purchased with Tier II In-
15 vestment Fund assets, which shall provide for—

16 “(A) prudent investments suitable for ac-
17 cumulating funds for payment of retirement in-
18 come;

19 “(B) sound management practices; and

20 “(C) low administrative costs;

21 “(3) review the performance of investments
22 made for the Tier I Investment Fund and the Tier
23 II Investment Fund;

1 “(4) review the management and operation of
2 individual social security annuities purchased with
3 Tier II Investment Fund assets;

4 “(5) review the performance of investments
5 made under Tier III investment accounts;

6 “(6) review and approve the budget of the
7 Board; and

8 “(7) comply with the fiduciary requirements of
9 part 4 of subtitle B of title I of the Employee Re-
10 tirement Income Security Act of 1974 (relating to fi-
11 duciary responsibility) in connection with any exer-
12 cise of discretion in connection with the assets of the
13 Tier I Investment Fund or the Tier II Investment
14 Fund.

15 “(g) ADMINISTRATIVE PROVISIONS.—

16 “(1) IN GENERAL.—The Board may—

17 “(A) adopt, alter, and use a seal;

18 “(B) except as provided in paragraph (4),
19 direct the Executive Director to take such ac-
20 tion as the Board considers appropriate to
21 carry out the provisions of this part and the
22 policies of the Board in accordance with delega-
23 tions under this part;

1 “(C) upon the concurring votes of 4 mem-
2 bers, remove the Executive Director from office
3 for good cause shown;

4 “(D) provide to the Executive Director
5 such resources as are necessary to carry out the
6 duties of the Executive Director; and

7 “(E) take such other actions as may be
8 necessary to carry out the functions of the
9 Board.

10 “(2) MEETINGS.—The Board shall meet—

11 “(A) not less than once during each
12 month; and

13 “(B) at additional times at the call of the
14 Chairman.

15 “(3) EXERCISE OF POWERS.—

16 “(A) IN GENERAL.—Except as provided in
17 paragraph (1)(C), the Board shall perform the
18 functions and exercise the powers of the Board
19 on a majority vote of a quorum of the Board.
20 Three members of the Board shall constitute a
21 quorum for the transaction of business.

22 “(B) VACANCIES.—A vacancy on the
23 Board shall not impair the authority of a
24 quorum of the Board to perform the functions
25 and exercise the powers of the Board.

1 “(4) LIMITATIONS ON INVESTMENTS.—The
 2 Board may not direct any person to invest or to
 3 cause to be invested any sums in the Tier II Invest-
 4 ment Fund or any Tier III investment account in a
 5 specific asset or to dispose of or cause to be disposed
 6 of any specific asset of such Fund or any such ac-
 7 count.

8 “(h) COMPENSATION.—

9 “(1) IN GENERAL.—Each member of the Board
 10 who is not an officer or employee of the Federal
 11 Government shall be compensated at the daily rate
 12 of basic pay for level IV of the Executive Schedule
 13 for each day during which such member is engaged
 14 in performing a function of the Board.

15 “(2) EXPENSES.—A member of the Board shall
 16 be paid travel, per diem, and other necessary ex-
 17 penses under subchapter I of chapter 57 of title 5,
 18 United States Code, while traveling away from such
 19 member’s home or regular place of business in the
 20 performance of the duties of the Board.

21 “(3) SOURCE OF FUNDS.—Payments authorized
 22 under this subsection shall be paid from the Tier I
 23 Investment Fund or the Tier II Investment Fund,
 24 as determined appropriate by the Board.

1 “(i) DISCHARGE OF RESPONSIBILITIES.—The mem-
2 bers of the Board shall discharge their responsibilities
3 solely in the interest of the participants and their bene-
4 ficiaries under this part.

5 “(j) ANNUAL INDEPENDENT AUDIT.—The Board
6 shall annually engage an independent qualified public ac-
7 countant to audit the activities of the Board.

8 “(k) SUBMISSION OF BUDGET TO CONGRESS.—The
9 Board shall prepare and submit to the President, and, at
10 the same time, to the appropriate committees of Congress,
11 an annual budget of the expenses and other items relating
12 to the Board which shall be included as a separate item
13 in the budget required to be transmitted to Congress
14 under section 1105 of title 31, United States Code.

15 “(l) SUBMISSION OF LEGISLATIVE RECOMMENDA-
16 TIONS.—The Board may submit to the President, and, at
17 the same time, shall submit to each House of Congress,
18 any legislative recommendations of the Board relating to
19 any of its functions under this part or any other provision
20 of law.

21 **“SEC. 262. EXECUTIVE DIRECTOR OF THE INDIVIDUAL IN-**
22 **VESTMENT BOARD.**

23 “(a) APPOINTMENT OF EXECUTIVE DIRECTOR.—The
24 Board shall appoint, without regard to the provisions of
25 law governing appointments in the competitive service, an

1 Executive Director by action agreed to by a majority of
2 the members of the Board.

3 “(b) DUTIES.—The Executive Director shall, as de-
4 termined appropriate by the Board—

5 “(1) carry out the policies established by the
6 Board;

7 “(2) invest and manage the Tier I Investment
8 Fund and the Tier II Investment Fund in accord-
9 ance with the investment policies and other policies
10 established by the Board;

11 “(3) administer the provisions of this part re-
12 lating to the Tier I Investment Fund and the Tier
13 II Investment Fund; and

14 “(4) prescribe such regulations (other than reg-
15 ulations relating to fiduciary responsibilities) as may
16 be necessary for the administration of this part re-
17 lating to the Tier I Investment Fund and the Tier
18 II Investment Fund.

19 “(c) ADMINISTRATIVE AUTHORITY.—The Executive
20 Director may, within the scope of the duties of the Execu-
21 tive Director as determined by the Board—

22 “(1) appoint such personnel as may be nec-
23 essary to carry out the provisions of this part relat-
24 ing to the Tier I Investment Fund and the Tier II
25 Investment Fund;

1 “(2) subject to approval by the Board, procure
2 the services of experts and consultants under section
3 3109 of title 5, United States Code;

4 “(3) secure directly from an Executive agency,
5 the United States Postal Service, or the Postal Rate
6 Commission any information necessary to carry out
7 the provisions of this part and the policies of the
8 Board relating to the Tier I Investment Fund and
9 the Tier II Investment Fund;

10 “(4) make such payments out of sums in the
11 Tier I Investment Fund and the Tier II Investment
12 Fund as the Executive Director determines, in ac-
13 cordance with regulations of the Board, are nec-
14 essary to carry out the provisions of this part and
15 the policies of the Board;

16 “(5) pay the compensation, per diem, and travel
17 expenses of individuals appointed under paragraphs
18 (1), (2), and (6) from the Tier I Investment Fund
19 or the Tier II Investment Fund, in accordance with
20 regulations of the Board;

21 “(6) accept and use the services of individuals
22 employed intermittently in the Government service
23 and reimburse such individuals for travel expenses,
24 authorized by section 5703 of title 5, United States

1 Code, including per diem as authorized by section
 2 5702 of such title;

3 “(7) except as otherwise expressly prohibited by
 4 law or the policies of the Board, delegate any of the
 5 Executive Director’s functions to such employees
 6 under the Board as the Executive Director may des-
 7 ignate and authorize such successive redelegations of
 8 such functions to such employees under the Board
 9 as the Executive Director may consider to be nec-
 10 essary or appropriate; and

11 “(8) take such other actions as are appropriate
 12 to carry out the functions of the Executive Direc-
 13 tor.”.

14 (b) EFFECTIVE DATE.—The amendments made by
 15 this section shall apply with respect to wages paid after
 16 December 31, 2004, for pay periods ending after such
 17 date and self-employment income for taxable years begin-
 18 ning after such date.

19 **SEC. 3. TAX TREATMENT OF INDIVIDUAL SOCIAL SECURITY**
 20 **INVESTMENT PROGRAM.**

21 (a) TAXATION WITH RESPECT TO ELEMENTS OF
 22 THE PROGRAM.—

23 (1) IN GENERAL.—Subchapter F of chapter 1
 24 of the Internal Revenue Code of 1986 (relating to

1 exempt organizations) is amended by adding at the
 2 end the following new part:

3 **“PART IX—INDIVIDUAL SOCIAL SECURITY**
 4 **INVESTMENT PROGRAM**

“Sec. 530A. Individual Social Security Investment Program.

5 **“SEC. 530A. INDIVIDUAL SOCIAL SECURITY INVESTMENT**
 6 **PROGRAM.**

7 “(a) GENERAL RULE.—Any fund created, account
 8 established, or annuity under part B of title II of the So-
 9 cial Security Act is exempt from taxation under this sub-
 10 title. Notwithstanding the preceding sentence, any such
 11 fund or account is subject to the taxes imposed by section
 12 511 (relating to imposition of tax on unrelated business
 13 income of charitable, etc. organizations).

14 “(b) RECOGNITION BONDS.—Gross income shall not
 15 include—

16 “(1) the value of a recognition bond issued to
 17 a participant under section 257(b) of the Social Se-
 18 curity Act which is deposited in the Tier II Invest-
 19 ment Fund and held for such participant under such
 20 section,

21 “(2) proceeds from the sale of a recognition
 22 bond of a participant under section 257(e) of the
 23 Social Security Act which are deposited in the Tier

1 II Investment Fund and held for such participant
2 under section 257(b) of such Act, and

3 “(3) proceeds from the redemption of a recogni-
4 tion bond of a participant under section 257(d) of
5 the Social Security Act deposited in the Tier II In-
6 vestment Fund to the credit of such participant’s
7 part B totalization account under part B of title II
8 of such Act.

9 For purposes of this subsection, the term ‘Tier II Invest-
10 ment Fund’ has the meaning given such term by section
11 251(6) of the Social Security Act.

12 “(c) DISTRIBUTIONS.—A distribution from any fund
13 or account, or any annuity payment, under part B of title
14 II of the Social Security Act shall not be included in the
15 gross income of the distributee or payee.”.

16 (2) CONFORMING AMENDMENT.—Section
17 86(d)(1)(A) of such Code is amended by inserting
18 “part A of” after “under”.

19 (3) CLERICAL AMENDMENT.—The table of
20 parts for subchapter F of chapter 1 of such Code is
21 amended by adding after the item relating to part
22 VIII the following new item:

“PART IX. INDIVIDUAL SOCIAL SECURITY INVESTMENT PROGRAM”.

23 (4) EFFECTIVE DATE.—The amendments made
24 by this subsection shall apply to taxable years begin-
25 ning after December 31, 2004.

1 (b) EXCLUSION OF INDIVIDUAL INVESTMENT PRO-
2 GRAM PARTICIPANTS FROM INSURANCE BENEFITS.—Sec-
3 tion 215 of the Social Security Act (42 U.S.C. 415) is
4 amended by adding at the end the following new sub-
5 section:

6 “Exclusion of Individual Investment Program
7 Participants

8 “(j)(1) Except as provided in paragraph (3), a partic-
9 ipant (as defined in section 251(1)) in the Individual So-
10 cial Security Investment Program under part B shall not
11 be credited with wages or self-employment income under
12 this part.

13 “(2) In the case of an individual who becomes a par-
14 ticipant under part B pursuant to an election filed under
15 section 259, paragraph (1) shall apply with respect to
16 wages paid in calendar years beginning on or after the
17 effective date of the election and with respect to self-em-
18 ployment income derived in taxable years ending after
19 such date.

20 “(3) Paragraph (1) shall not apply in connection with
21 the determination of any such participant’s entitlement to
22 disability insurance benefits under section 223, the deter-
23 mination of such participant’s primary insurance amount
24 in connection with such entitlement, and the determina-

tion during such entitlement of benefits based on such participant's wages and self-employment income.”.

SEC. 4. CPI-INDEXED BENEFITS FOR PART A BENEFICIARIES OTHER THAN DISABILITY BENEFICIARIES.

(a) COMPUTATION OF BEND POINTS.—Section 215(a)(1)(B) of the Social Security Act (42 U.S.C. 415(a)(1)(B)) is amended—

(1) by redesignating clause (iii) as clause (vi);

(2) in clause (ii), by striking “For individuals” and inserting “Subject to clause (iii), for individuals”;

(3) by inserting after clause (ii) the following new clauses:

“(iii) For individuals who initially become eligible for old-age insurance benefits, or who die (before becoming eligible for such benefits), in any calendar year after 2012, each of the amounts so established under the preceding provisions of this subparagraph shall be equal to the product derived by multiplying such amount (as determined before the application of this clause) by the quotient derived by dividing—

“(I) the applicable change in the CPI for the first of the 2 preceding calendar years, by

1 “(II) applicable change in the national average
2 wage index for the first of the 2 preceding calendar
3 years.

4 “(iv) For purposes of clause (iii)(I), the term ‘appli-
5 cable change in the CPI’ for a calendar year means the
6 excess of—

7 “(I) the arithmetical mean of the Consumer
8 Price Index for Urban Wage Earners and Clerical
9 Workers (issued by the Bureau of Labor Statistics)
10 for the 12 months in such calendar year, over

11 “(II) the arithmetical mean of such Consumer
12 Price Index for the 12 months in calendar year
13 2011.

14 “(v) For purposes of clause (iii)(II), the term ‘appli-
15 cable change in the national average wage index’ for a cal-
16 endar year means the excess of—

17 “(I) the national average wage index (as de-
18 fined in section 209(k)(1)) for such calendar year,
19 over

20 “(II) the national average wage index (as so de-
21 fined) for calendar year 2011.”; and

22 (4) in clause (vi) (as redesignated), by striking
23 “under clause (ii)” and inserting “under the pre-
24 ceding provisions of this subparagraph”.

1 (b) SUBSTITUTION OF CPI FOR NATIONAL AVERAGE
2 WAGE INDEX IN COMPUTING AVERAGE INDEXED MONTH-
3 LY EARNINGS.—

4 (1) IN GENERAL.—Section 215(b)(3) of such
5 Act (42 U.S.C. 415(b)(3)) is amended—

6 (A) in subparagraph (A)(ii)(I), by striking
7 “national average wage index (as defined in sec-
8 tion 209(k)(1))” and inserting “national aver-
9 age wage index (as defined in section
10 209(k)(1)) (for determinations of disability in-
11 surance benefits and other benefits based on
12 the wages and self-employment income of an in-
13 dividual entitled to disability insurance benefits)
14 or the consumer price index (for determinations
15 of other benefits)”;

16 (B) in subparagraph (A)(ii)(II), by striking
17 “national average wage index (as so defined)”
18 and inserting “national average wage index (as
19 so defined) (for determinations of disability in-
20 surance benefits and other benefits based on
21 the wages and self-employment income of an in-
22 dividual entitled to disability insurance benefits)
23 or the consumer price index (for determinations
24 of other benefits)”;

1 (C) by redesignating subparagraph (B) as
 2 subparagraph (C); and

3 (D) by inserting after subparagraph (A)
 4 the following new subparagraph:

5 “(B) For purposes of this paragraph, the term ‘con-
 6 sumer price index’ for a calendar year means the arithmet-
 7 ical mean of the Consumer Price Index for Urban Wage
 8 Earners and Clerical Workers (issued by the Bureau of
 9 Labor Statistics) for the 12 months in such calendar
 10 year.”.

11 (2) EFFECTIVE DATE.—The amendments made
 12 by this subsection shall apply with respect to the av-
 13 erage indexed monthly earnings of individuals at-
 14 taining age 62, or dying before attaining such age,
 15 on or after January 1, 2012.

16 **SEC. 5. MAINTENANCE OF ADEQUATE BALANCES IN THE**
 17 **SOCIAL SECURITY TRUST FUNDS.**

18 (a) IN GENERAL.—Section 201 of the Social Security
 19 Act (42 U.S.C. 401) is amended by adding at the end the
 20 following new subsection:

21 “(n) In addition to amounts otherwise appropriated
 22 under the preceding provisions of this section to the Trust
 23 Funds established under this section, there is hereby ap-
 24 propriated for each fiscal year to each of such Trust
 25 Funds, from amounts in the general fund of the Treasury

1 not otherwise appropriated, such sums as may be nec-
2 essary from time to time to maintain the balance ratio
3 (as defined in section 709(b)) of such Trust Fund, for the
4 calendar year commencing during such fiscal year, at not
5 less than 100 percent. The sums to be appropriated under
6 the preceding sentence shall be determined by the Com-
7 missioner of Social Security and certified by the Commis-
8 sioner to each House of the Congress not later than Octo-
9 ber 1 of such fiscal year. In making such determination
10 and certification, the Commissioner shall use the inter-
11 mediate actuarial assumptions used by the Board of
12 Trustees of the Trust Funds in its most recent annual
13 report to the Congress prepared pursuant to subsection
14 (c)(2). The Commissioner shall also transmit a copy of
15 any such certification to the Secretary of the Treasury,
16 and upon receipt thereof, such Secretary shall promptly
17 take appropriate actions in accordance with the certifi-
18 cation.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall apply with respect to fiscal years be-
21 ginning after the date of the enactment of this Act.

○