

109TH CONGRESS  
1ST SESSION

# H. R. 219

To amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. PAUL (for himself, Mr. MICA, Mr. DUNCAN, and Mr. GOODE) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit.

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 “Social Security Preser-  
3 vation Act of 2005”.

4 **SEC. 2. INVESTMENT OF THE FEDERAL OLD-AGE AND SUR-**  
5 **VIVORS INSURANCE TRUST FUND AND THE**  
6 **FEDERAL DISABILITY INSURANCE TRUST**  
7 **FUND.**

8       (a) IN GENERAL.—Section 201(d) of the Social Secu-  
9 rity Act (42 U.S.C. 401(d)) is amended—

10           (1) by inserting “(1)” after “(d)”;

11           (2) by striking “Such investments may be made  
12 only” and inserting the following: “Except as pro-  
13 vided in paragraph (2), such investments may be  
14 made only”;

15           (3) by striking the last sentence; and

16           (4) by adding at the end the following new  
17 paragraph:

18       “(2)(A) The Managing Trustee shall determine the  
19 annual surplus (as defined in subparagraph (B)) for each  
20 of the Trust Funds as of the end of each fiscal year. The  
21 Managing Trustee shall ensure that such annual surplus  
22 is invested, throughout the next following fiscal year, in—

23           “(i) marketable interest-bearing obligations of  
24 the United States or obligations guaranteed as to  
25 both principal and interest by the United States,

1 purchased on original issue or at the market price,  
2 or

3 “(ii) certificates of deposit in insured depository  
4 institutions (as defined in section 3(c)(2) of the Fed-  
5 eral Deposit Insurance Act).

6 “(B) For purposes of this paragraph, the ‘annual sur-  
7 plus’ for either of the Trust Funds as of the end of a  
8 fiscal year is the excess (if any) of—

9 “(i) the sum of—

10 “(I) in the case of the Federal Old-Age  
11 and Survivors Insurance Trust Fund, the  
12 amounts appropriated to such Trust Fund  
13 under paragraphs (3) and (4) of subsection (a)  
14 for the fiscal year,

15 “(II) in the case of the Federal Disability  
16 Insurance Trust Fund, the amounts appro-  
17 priated to such Trust Fund under paragraphs  
18 (1) and (2) of subsection (b) for the fiscal year,  
19 and

20 “(III) in either case, the amount appro-  
21 priated to such Trust Fund under section  
22 121(e) of the Social Security Amendments of  
23 1983 for the fiscal year, and any amounts oth-  
24 erwise credited to or deposited in such Trust  
25 Fund under this title for the fiscal year, over

1           “(ii) the amounts paid or transferred from such  
2       Trust Fund during the fiscal year.”.

3       (b) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply with respect to annual surpluses  
5 as of the end of fiscal years beginning on or after October  
6 1, 2005.

7       **SEC. 3. PROTECTION OF THE SOCIAL SECURITY TRUST**  
8                               **FUNDS FROM THE PUBLIC DEBT LIMIT.**

9       (a) PROTECTION OF TRUST FUNDS.—Notwith-  
10 standing any other provision of law—

11           (1) no officer or employee of the United States  
12       may—

13                   (A) delay the deposit of any amount into  
14                   (or delay the credit of any amount to) the Fed-  
15                   eral Old-Age and Survivors Insurance Trust  
16                   Fund or the Federal Disability Insurance Trust  
17                   Fund or otherwise vary from the normal terms,  
18                   procedures, or timing for making such deposits  
19                   or credits, or

20                   (B) refrain from the investment in public  
21                   debt obligations of amounts in either of such  
22                   Trust Funds,  
23       if a purpose of such action or inaction is to not in-  
24       crease the amount of outstanding public debt obliga-  
25       tions, and

1           (2) no officer or employee of the United States  
2           may disinvest amounts in either of such Trust  
3           Funds which are invested in public debt obligations  
4           if a purpose of the disinvestment is to reduce the  
5           amount of outstanding public debt obligations.

6           (b) PROTECTION OF BENEFITS AND EXPENDITURES  
7           FOR ADMINISTRATIVE EXPENSES.—

8           (1) IN GENERAL.—Notwithstanding subsection  
9           (a), during any period for which cash benefits or ad-  
10          ministrative expenses would not otherwise be payable  
11          from the Federal Old-Age and Survivors Insurance  
12          Trust Fund or the Federal Disability Insurance  
13          Trust Fund by reason of an inability to issue further  
14          public debt obligations because of the applicable  
15          public debt limit, public debt obligations held by  
16          such Trust Fund shall be sold or redeemed only for  
17          the purpose of making payment of such benefits or  
18          administrative expenses and only to the extent cash  
19          assets of such Trust Fund are not available from  
20          month to month for making payment of such bene-  
21          fits or administrative expenses.

22          (2) ISSUANCE OF CORRESPONDING DEBT.—For  
23          purposes of undertaking the sale or redemption of  
24          public debt obligations held by the Federal Old-Age  
25          and Survivors Insurance Trust Fund or the Federal

1       Disability Insurance Trust Fund pursuant to para-  
2       graph (1), the Secretary of the Treasury may issue  
3       corresponding public debt obligations to the public,  
4       in order to obtain the cash necessary for payment of  
5       benefits or administrative expenses from such Trust  
6       Fund, notwithstanding the public debt limit.

7               (3) ADVANCE NOTICE OF SALE OR REDEMP-  
8       TION.—Not less than 3 days prior to the date on  
9       which, by reason of the public debt limit, the Sec-  
10      retary of the Treasury expects to undertake a sale  
11      or redemption authorized under paragraph (1), the  
12      Secretary of the Treasury shall report to each House  
13      of the Congress and to the Comptroller General of  
14      the United States regarding the expected sale or re-  
15      demption. Upon receipt of such report, the Comp-  
16      troller General shall review the extent of compliance  
17      with subsection (a) and paragraphs (1) and (2) of  
18      this subsection and shall issue such findings and rec-  
19      ommendations to each House of the Congress as the  
20      Comptroller General considers necessary and appro-  
21      priate.

22              (c) PUBLIC DEBT OBLIGATION.—For purposes of  
23      this section, the term “public debt obligation” means any

- 1 obligation subject to the public debt limit established
- 2 under section 3101 of title 31, United States Code.

