

111TH CONGRESS
1ST SESSION

S. 86

To establish a procedure to safeguard the Social Security Trust Funds.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. VITTER (for himself and Mr. BURR) introduced the following bill; which
was read twice and referred to the Committee on the Budget

A BILL

To establish a procedure to safeguard the Social Security
Trust Funds.

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 “Social Security Lock-
5 Box Act of 2009”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) fiscal pressures will mount as an aging pop-
9 ulation increases the Government’s obligations to
10 provide retirement income and health services;

1 (2) Social Security surpluses should be reserved
 2 for strengthening and preserving the Social Security
 3 Trust Funds; and

4 (3) preserving Social Security surpluses would
 5 restore confidence in the long-term financial integ-
 6 rity of Social Security.

7 (b) PURPOSE.—It is the purpose of this Act to pre-
 8 vent the Social Security Trust Funds from being used for
 9 any purpose other than providing retirement security.

10 **SEC. 3. PROTECTION OF SOCIAL SECURITY TRUST FUNDS.**

11 (a) PROTECTION OF SOCIAL SECURITY.—Title III of
 12 the Congressional Budget Act of 1974 is amended by add-
 13 ing at the end the following new section:

14 “LOCK-BOX FOR SOCIAL SECURITY

15 “SEC. 316. (a) LOCK-BOX FOR SOCIAL SECURITY.—

16 “(1) CONCURRENT RESOLUTIONS ON THE
 17 BUDGET.—

18 “(A) IN GENERAL.—It shall not be in
 19 order in the House of Representatives or the
 20 Senate to consider any concurrent resolution on
 21 the budget, or an amendment thereto or con-
 22 ference report thereon, that would set forth to-
 23 tals for any fiscal year with respect to the So-
 24 cial Security Trust Funds that are less than the
 25 totals of the Social Security Trust Funds for

1 that fiscal year as calculated in accordance with
2 a current services baseline.

3 “(B) EXCEPTION.—(i) Subparagraph (A)
4 shall not apply to the extent that a violation of
5 such subparagraph would result from an as-
6 sumption in the resolution, amendment, or con-
7 ference report, as applicable, of an increase in
8 outlays or a decrease in revenues and disburse-
9 ments relative to the baseline underlying that
10 resolution for social security reform legislation
11 for any such fiscal year.

12 “(ii) If a concurrent resolution on the
13 budget, or an amendment thereto or conference
14 report thereon, would be in violation of sub-
15 paragraph (A) because of an assumption of an
16 increase in outlays or a decrease in revenue rel-
17 ative to the baseline underlying that resolution
18 for social security reform legislation for any
19 such fiscal year, then that resolution shall in-
20 clude a statement identifying any such increase
21 in outlays or decrease in revenues and disburse-
22 ments.

23 “(2) SPENDING AND TAX LEGISLATION.—

24 “(A) IN GENERAL.—It shall not be in
25 order in the House of Representatives or the

1 Senate to consider any bill, joint resolution,
2 amendment, motion, or conference report if—

3 “(i) the enactment of that bill or reso-
4 lution, as reported;

5 “(ii) the adoption and enactment of
6 that amendment; or

7 “(iii) the enactment of that bill or res-
8 olution in the form recommended in that
9 conference report,
10 would cause the totals for any fiscal year cov-
11 ered by the most recently agreed to concurrent
12 resolution on the budget with respect to the So-
13 cial Security Trust Funds to be less than the
14 totals of the Social Security Trust Funds for
15 that fiscal year as calculated in accordance with
16 the current services baseline.

17 “(B) EXCEPTION.—Subparagraph (A)
18 shall not apply to social security reform legisla-
19 tion.

20 “(b) ENFORCEMENT.—For purposes of enforcing any
21 point of order under subsection (a), the totals of the Social
22 Security Trust Funds for a fiscal year shall be the levels
23 set forth in the later of the report accompanying the con-
24 current resolution on the budget (or, in the absence of
25 such a report, placed in the Congressional Record prior

1 to the consideration of such resolution) or in the joint ex-
 2 planatory statement of managers accompanying such reso-
 3 lution.

4 “(c) ADDITIONAL CONTENT OF REPORTS ACCOM-
 5 PANYING BUDGET RESOLUTIONS AND OF JOINT EXPLAN-
 6 ATORY STATEMENTS.—The report accompanying any con-
 7 current resolution on the budget and the joint explanatory
 8 statement accompanying the conference report on each
 9 such resolution shall include the levels of the totals in the
 10 budget for each fiscal year set forth in such resolution and
 11 of the revenues and disbursements in the Social Security
 12 Trust Funds.

13 “(d) DEFINITIONS.—As used in this section, the term
 14 ‘social security reform legislation’ means a bill or a joint
 15 resolution to save social security that includes a provision
 16 stating the following: ‘For purposes of section 316(a) of
 17 the Congressional Budget Act of 1974, this Act con-
 18 stitutes social security reform legislation.’.

19 “(e) WAIVER AND APPEAL.—Subsection (a) may be
 20 waived or suspended in the Senate only by an affirmative
 21 vote of three-fifths of the Members, duly chosen and
 22 sworn. An affirmative vote of three-fifths of the Members
 23 of the Senate, duly chosen and sworn, shall be required
 24 in the Senate to sustain an appeal of the ruling of the
 25 Chair on a point of order raised under this section.

1 “(f) EFFECTIVE DATE.—This section shall cease to
2 have any force or effect upon the enactment of social secu-
3 rity reform legislation.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents set forth in section 1(b) of the Congressional Budget
6 and Impoundment Control Act of 1974 is amended by
7 adding after the item for section 315 the following:

“Sec. 316. Lock-box for social security.”.

8 **SEC. 4. PRESIDENT’S BUDGET.**

9 (a) PROTECTION OF SOCIAL SECURITY.—If the
10 budget of the United States Government submitted by the
11 President under section 1105(a) of title 31, United States
12 Code, recommends totals for any fiscal year with respect
13 to the Social Security Trust Funds that are less than the
14 totals of the Social Security Trust Funds for that fiscal
15 year as calculated in accordance with current services
16 baseline, then it shall include a detailed proposal for social
17 security reform legislation.

18 (b) EFFECTIVE DATE.—Subsection (a) shall cease to
19 have any force or effect upon the enactment of social secu-
20 rity reform legislation as defined by section 316(d) of the
21 Congressional Budget Act of 1974.

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