

113TH CONGRESS
1ST SESSION

H. R. 1713

To establish a procedure to safeguard the surpluses of the Social Security
and Medicare hospital insurance trust funds.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2013

Mr. MURPHY of Pennsylvania (for himself, Mr. HECK of Nevada, Mr. MEEHAN, and Mr. GERLACH) introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committee on the Budget, 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 establish a procedure to safeguard the surpluses of the
Social Security and Medicare hospital insurance 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 and
5 Medicare Protection Act”.

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

7 (a) FINDINGS.—The Congress finds that—

(3) preserving Social Security and Medicare
surpluses would restore confidence in the long-term
financial integrity of Social Security and Medicare.

14 SEC. 3. PROTECTION OF SOCIAL SECURITY AND MEDICARE
15 SURPLUSES.

20 “PROTECTION FOR SOCIAL SECURITY AND HOSPITAL
21 INSURANCE SURPLUSES

24 “(1) CONCURRENT RESOLUTIONS ON THE
25 BUDGET.—It shall not be in order in the House of
26 Representatives or the Senate to consider any con-

1 current resolution on the budget, or an amendment
2 thereto or conference report thereon, that would set
3 forth a surplus for any fiscal year that is less than
4 the combined surpluses of the Federal Hospital In-
5 surance Trust Fund, the Federal Old-Age and Sur-
6 vivors Insurance Trust Fund, and the Federal Dis-
7 ability Insurance Trust Fund for that fiscal year.

8 “(2) SPENDING AND TAX LEGISLATION.—It
9 shall not be in order in the House of Representatives
10 or the Senate to consider any bill, joint resolution,
11 amendment, motion, or conference report if—

12 “(A) the enactment of that bill or resolu-
13 tion, as reported;

14 “(B) the adoption and enactment of that
15 amendment; or

16 “(C) the enactment of that bill or resolu-
17 tion in the form recommended in that con-
18 ference report,

19 would cause the surplus for any fiscal year covered
20 by the most recently agreed to concurrent resolution
21 on the budget to be less than the combined surpluses
22 of the Federal Hospital Insurance Trust Fund, the
23 Federal Old-Age and Survivors Insurance Trust
24 Fund, and the Federal Disability Insurance Trust
25 Fund for that fiscal year.

1 “(b) ENFORCEMENT.—

2 “(1) BUDGETARY LEVELS WITH RESPECT TO
3 CONCURRENT RESOLUTIONS ON THE BUDGET.—For
4 purposes of enforcing any point of order under sub-
5 section (a)(1), the surplus for any fiscal year shall
6 be—

7 “(A) the levels set forth in the later of the
8 concurrent resolution on the budget, as re-
9 ported, or in the conference report on the con-
10 current resolution on the budget; and

11 “(B) adjusted to the maximum extent al-
12 lowable under all procedures that allow budg-
13 etary aggregates to be adjusted for legislation
14 that would cause a decrease in the surplus for
15 any fiscal year covered by the concurrent reso-
16 lution on the budget (other than procedures de-
17 scribed in paragraph (2)(B)).

18 “(2) CURRENT LEVELS WITH RESPECT TO
19 SPENDING AND TAX LEGISLATION.—For purposes of
20 enforcing subsection (a)(2), the current levels of the
21 surplus for any fiscal year shall be—

22 “(A) calculated using the following as-
23 sumptions—

24 “(i) direct spending and revenue levels
25 at the baseline levels underlying the most

1 recently agreed to concurrent resolution on
2 the budget; and

3 “(ii) for the budget year, discretionary
4 spending levels at current law levels and,
5 for outyears, discretionary spending levels
6 at the baseline levels underlying the most
7 recently agreed to concurrent resolution on
8 the budget; and

9 “(B) adjusted for changes in the surplus
10 levels set forth in the most recently agreed to
11 concurrent resolution on the budget pursuant to
12 procedures in such resolution that authorize ad-
13 justments in budgetary aggregates for updated
14 economic and technical assumptions in the mid-
15 session report of the Director of the Congres-
16 sional Budget Office.

17 Such revisions shall be included in the first current
18 level report on the congressional budget submitted
19 for publication in the Congressional Record after the
20 release of such mid-session report.

21 “(3) DISCLOSURE OF HI AND SOCIAL SECURITY
22 SURPLUSES.—For purposes of enforcing any point
23 of order under subsection (a), the combined sur-
24 pluses of the Federal Hospital Insurance Trust
25 Fund, the Federal Old-Age and Survivors Insurance

1 Trust Fund, and the Federal Disability Insurance
2 Trust Fund for a fiscal year shall be the levels set
3 forth in the later of the report accompanying the
4 concurrent resolution on the budget (or, in the ab-
5 sence of such a report, placed in the Congressional
6 Record prior to the consideration of such resolution)
7 or in the joint explanatory statement of managers
8 accompanying such resolution.

9 “(c) ADDITIONAL CONTENT OF REPORTS ACCOM-
10 PANYING BUDGET RESOLUTIONS AND OF JOINT EXPLAN-
11 ATORY STATEMENTS.—The report accompanying any con-
12 current resolution on the budget and the joint explanatory
13 statement accompanying the conference report on each
14 such resolution shall include the levels of the surplus in
15 the budget for each fiscal year set forth in such resolution
16 and of the surplus or deficit in the Federal Hospital Insur-
17 ance Trust Fund, the Federal Old-Age and Survivors In-
18 surance Trust Fund, and the Federal Disability Insurance
19 Trust Fund, calculated using the assumptions set forth
20 in subsection (b)(2).

21 “(d) WAIVER AND APPEAL.—Subsection (a) may be
22 waived or suspended in the Senate only by an affirmative
23 vote of three-fifths of the Members, duly chosen and
24 sworn. An affirmative vote of three-fifths of the Members
25 of the Senate, duly chosen and sworn, shall be required

1 in the Senate to sustain an appeal of the ruling of the
2 Chair on a point of order raised under this section.”.

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

“Sec. 316. Protection for Social Security and hospital insurance surpluses.”.

