

106TH CONGRESS
2D SESSION

H. R. 3859

AN ACT

To amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

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To amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

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 and
3 Medicare Lock-box Act of 2000”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to—

6 (1) ensure that social security trust fund sur-
7 pluses shall be used to pay down the debt held by
8 the public until social security reform legislation is
9 enacted; and

10 (2) ensure that the projected surplus of the
11 Federal Hospital Insurance Trust Fund shall be
12 used to pay down the debt held by the public until
13 medicare reform legislation is enacted.

14 **SEC. 3. PROTECTION OF SOCIAL SECURITY SURPLUSES.**

15 (a) POINTS OF ORDER TO PROTECT SOCIAL SECU-
16 RITY SURPLUSES.—Section 312 of the Congressional
17 Budget Act of 1974 is amended by adding at the end the
18 following new subsection:

19 “(g) POINTS OF ORDER TO PROTECT SOCIAL SECU-
20 RITY SURPLUSES.—

21 “(1) CONCURRENT RESOLUTIONS ON THE
22 BUDGET.—It shall not be in order in the House of
23 Representatives or the Senate to consider any con-
24 current resolution on the budget, or conference re-
25 port thereon or amendment thereto, that would set
26 forth an on-budget deficit for any fiscal year.

1 “(2) SUBSEQUENT LEGISLATION.—Except as
2 provided by paragraph (3), it shall not be in order
3 in the House of Representatives or the Senate to
4 consider any bill, joint resolution, amendment, mo-
5 tion, or conference report if—

6 “(A) the enactment of that bill or resolu-
7 tion as reported;

8 “(B) the adoption and enactment of that
9 amendment; or

10 “(C) the enactment of that bill or resolu-
11 tion in the form recommended in that con-
12 ference report,
13 would cause or increase an on-budget deficit for any
14 fiscal year.

15 “(3) EXCEPTION.—Paragraph (2) shall not
16 apply to social security reform legislation as defined
17 by section 7(1) of the Social Security and Medicare
18 Lock-box Act of 2000.

19 “(4) DEFINITION.—For purposes of this sec-
20 tion, the term ‘on-budget deficit’, when applied to a
21 fiscal year, means the deficit in the budget as set
22 forth in the most recently agreed to concurrent reso-
23 lution on the budget pursuant to section 301(a)(3)
24 for that fiscal year.”.

1 (b) CONTENT OF CONCURRENT RESOLUTION ON THE
2 BUDGET.—Section 301(a) of the Congressional Budget
3 Act of 1974 is amended by redesignating paragraphs (6)
4 and (7) as paragraphs (7) and (8), respectively, and by
5 inserting after paragraph (5) the following new paragraph:

6 “(6) the receipts, outlays, and surplus or deficit
7 in the Federal Old-Age and Survivors Insurance
8 Trust Fund and the Federal Disability Insurance
9 Trust Fund, combined, established by title II of the
10 Social Security Act;”.

11 (c) SUPER MAJORITY REQUIREMENT.—(1) Section
12 904(e)(1) of the Congressional Budget Act of 1974 is
13 amended by inserting “312(g),” after “310(d)(2),”.

14 (2) Section 904(d)(2) of the Congressional Budget
15 Act of 1974 is amended by inserting “312(g),” after
16 “310(d)(2),”.

17 **SEC. 4. PROTECTION OF MEDICARE SURPLUSES.**

18 (a) POINTS OF ORDER TO PROTECT MEDICARE SUR-
19 PLUSES.—Section 312 of the Congressional Budget Act
20 of 1974 (as amended by section 3) is further amended
21 by adding at the end the following new subsection:

22 “(h) POINTS OF ORDER TO PROTECT MEDICARE
23 SURPLUSES.—

24 “(1) CONCURRENT RESOLUTIONS ON THE
25 BUDGET.—It shall not be in order in the House of

1 Representatives or the Senate to consider any con-
2 current resolution on the budget, or conference re-
3 port thereon or amendment thereto, that would set
4 forth an on-budget surplus for any fiscal year that
5 is less than the projected surplus of the Federal
6 Hospital Insurance Trust Fund for that fiscal year
7 (as assumed in that resolution).

8 “(2) SUBSEQUENT LEGISLATION.—Except as
9 provided by paragraph (3), it shall not be in order
10 in the House of Representatives or the Senate to
11 consider any bill, joint resolution, amendment, mo-
12 tion, or conference report if—

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

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

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

20 would cause the on-budget surplus for any fiscal
21 year to be less than the projected surplus of the
22 Federal Hospital Insurance Trust Fund (as assumed
23 in the most recently agreed to concurrent resolution
24 on the budget) for that fiscal year or increase the
25 amount by which the on-budget surplus for any fis-

1 cal year would be less than such trust fund surplus
2 for that fiscal year.

3 “(3) EXCEPTION.—Paragraph (2) shall not
4 apply to medicare reform legislation as defined by
5 section 7(2) of the Social Security and Medicare
6 Lock-box Act of 2000.

7 “(4) DEFINITION.—For purposes of this sec-
8 tion, the term ‘on-budget surplus’, when applied to
9 a fiscal year, means the surplus in the budget as set
10 forth in the most recently agreed to concurrent reso-
11 lution on the budget pursuant to section 301(a)(3)
12 for that fiscal year.”.

13 (b) SUPER MAJORITY REQUIREMENT.—

14 (1) POINT OF ORDER.—Section 904(c)(1) of the
15 Congressional Budget Act of 1974 (as amended by
16 section 3) is further amended by inserting “312(h),”
17 after “312(g),”.

18 (2) WAIVER.—Section 904(d)(2) of the Con-
19 gressional Budget Act of 1974 (as amended by sec-
20 tion 3) is further amended by inserting “312(h),”
21 after “312(g),”.

22 **SEC. 5. REMOVING SOCIAL SECURITY FROM BUDGET PRO-**
23 **NOUNCEMENTS.**

24 (a) IN GENERAL.—Any official statement issued by
25 the Office of Management and Budget, the Congressional

1 Budget Office, or any other agency or instrumentality of
2 the Federal Government of surplus or deficit totals of the
3 budget of the United States Government as submitted by
4 the President or of the surplus or deficit totals of the con-
5 gressional budget, and any description of, or reference to,
6 such totals in any official publication or material issued
7 by either of such Offices or any other such agency or in-
8 strumentality, shall exclude the outlays and receipts of the
9 old-age, survivors, and disability insurance program under
10 title II of the Social Security Act (including the Federal
11 Old-Age and Survivors Insurance Trust Fund and the
12 Federal Disability Insurance Trust Fund) and the related
13 provisions of the Internal Revenue Code of 1986.

14 (b) SEPARATE SOCIAL SECURITY BUDGET DOCU-
15 MENTS.—The excluded outlays and receipts of the old-age,
16 survivors, and disability insurance program under title II
17 of the Social Security Act shall be submitted in separate
18 Social Security budget documents.

19 **SEC. 6. PROTECTION OF SOCIAL SECURITY AND MEDICARE**
20 **SURPLUSES.**

21 (a) SOCIAL SECURITY.—(1) Chapter 11 of subtitle II
22 of title 31, United States Code, is amended by adding be-
23 fore section 1101 the following:

1 **“§ 1100. Protection of social security surpluses**

2 “The budget of the United States Government sub-
3 mitted by the President under this chapter shall not rec-
4 ommend an on-budget deficit for any fiscal year covered
5 by that budget unless it includes proposed legislative lan-
6 guage for social security reform legislation as defined by
7 section 7(1) of the Social Security and Medicare Lock-box
8 Act of 2000.”.

9 (2) The chapter analysis for chapter 11 of title 31,
10 United States Code, is amended by inserting before the
11 item relating to section 1101 the following:

“1100. Protection of Social Security Surpluses.”.

12 (b) MEDICARE.—(1) Chapter 11 of subtitle II of title
13 31, United States Code, is amended by adding after sec-
14 tion 1100 the following:

15 **“§ 1100A. Protection of medicare surpluses**

16 “The budget of the United States Government sub-
17 mitted by the President under this chapter shall not rec-
18 ommend an on-budget surplus for any fiscal year that is
19 less than the projected surplus of the Federal Hospital
20 Insurance Trust Fund for that fiscal year unless it in-
21 cludes proposed legislative language for medicare reform
22 legislation as defined by section 7(2) of the Social Security
23 and Medicare Lock-box Act of 2000 or social security re-
24 form legislation as defined by section 7(1) of that Act.”.

1 (2) CHAPTER ANALYSIS.—The chapter analysis for
2 chapter 11 of title 31, United States Code, is amended
3 by inserting after the item relating to section 1100 the
4 following:

“1100A. Protection of Medicare Surpluses.”.

5 **SEC. 7. DEFINITIONS.**

6 As used in this Act:

7 (1) SOCIAL SECURITY REFORM LEGISLATION.—

8 The term “social security reform legislation” means
9 a bill or a joint resolution to save social security and
10 includes a provision stating the following: “For pur-
11 poses of the Social Security and Medicare Lock-box
12 Act of 2000, this Act constitutes social security re-
13 form legislation to save social security.”.

14 (2) MEDICARE REFORM LEGISLATION.—The
15 term “medicare reform legislation” means a bill or
16 a joint resolution to save Medicare and includes a
17 provision stating the following: “For purposes of the
18 Social Security and Medicare Lock-box Act of 2000,
19 this Act constitutes medicare reform legislation to
20 save medicare.”.

21 **SEC. 8. EFFECTIVE DATE.**

22 (a) IN GENERAL.—This Act shall take effect upon
23 the date of its enactment and the amendments made by
24 this Act shall apply to fiscal year 2001 and subsequent
25 fiscal years.

1 (b) EXPIRATION.—(1) Sections 301(a)(6) and 312(g)
2 of the Congressional Budget Act of 1974 shall expire upon
3 the enactment of social security reform legislation.

4 (2) Section 312(h) of the Congressional Budget Act
5 of 1974 shall expire upon the enactment of medicare re-
6 form legislation.

Passed the House of Representatives June 20, 2000.

Attest:

Clerk.