

112TH CONGRESS  
1ST SESSION

# H. R. 1630

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

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Mr. MURPHY of Pennsylvania (for himself, Mr. KISSELL, Mr. MCKINLEY, Mr. GERLACH, and Mr. HECK) 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—

1 (1) fiscal pressures will mount as an aging pop-  
2 ulation increases the Government's obligations to  
3 provide retirement income and health services;

4 (2) Social Security and Medicare surpluses  
5 should be reserved for strengthening and preserving  
6 the Social Security trust funds; and

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

10 (b) PURPOSE.—It is the purpose of this Act to pre-  
11 vent the Social Security and Medicare hospital insurance  
12 trust funds from being used for any purpose other than  
13 providing retirement and health security.

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

16 (a) PROTECTION OF SOCIAL SECURITY AND MEDI-  
17 CARE SURPLUSES.—Title III of the Congressional Budget  
18 Act of 1974 is amended by adding at the end the following  
19 new section:

20 “PROTECTION FOR SOCIAL SECURITY AND HOSPITAL  
21 INSURANCE SURPLUSES

22 “SEC. 316. (a) PROTECTION FOR SOCIAL SECURITY  
23 AND HOSPITAL 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 item relating  
4 to section 316 in the table of contents set forth in section  
5 1(b) of the Congressional Budget and Impoundment Con-  
6 trol Act of 1974 is amended to read as follows:

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

○