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1ST SESSION

S. 582

To establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2011

Mr. SANDERS (for himself, Mr. AKAKA, Mr. WHITEHOUSE, Mr. BROWN of Ohio, Ms. MIKULSKI, Mrs. BOXER, Ms. STABENOW, Mr. BEGICH, Mr. BLUMENTHAL, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.

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 Protec-
5 tion Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Social Security is the most successful and
2 reliable social program in our Nation's history.

3 (2) For 75 years, through good times and bad,
4 Social Security has reliably kept millions of senior
5 citizens, individuals with disabilities, and children
6 out of poverty.

7 (3) Before President Franklin Roosevelt signed
8 the Social Security Act into law on August 14, 1935,
9 approximately half of the senior citizens in the
10 United States lived in poverty; less than 10 percent
11 of seniors live in poverty today.

12 (4) Social Security has succeeded in protecting
13 working Americans and their families from dev-
14 astating drops in household income due to lost
15 wages resulting from retirement, disability, or the
16 death of a spouse or parent.

17 (5) More than 53,000,000 Americans receive
18 Social Security benefits, including 36,500,000 retir-
19 ees and their spouses, 9,200,000 veterans, 8,200,000
20 disabled individuals and their spouses, 4,500,000
21 surviving spouses of deceased workers, and
22 4,300,000 dependent children.

23 (6) Social Security has never contributed to the
24 Federal budget deficit or the national debt, and ben-

1 efit cuts should not be proposed as a solution to re-
2 ducing the Federal budget deficit.

3 (7) Social Security is not in a crisis or going
4 bankrupt, as the Social Security Trust Funds have
5 been running surpluses for the last quarter of a cen-
6 tury.

7 (8) According to the Social Security Adminis-
8 tration, the Social Security Trust Funds currently
9 maintain a \$2,600,000,000,000 surplus that is
10 project to grow to \$4,200,000,000,000 by 2023.

11 (9) According to the Social Security Adminis-
12 tration, even if no changes are made to the Social
13 Security program, full benefits will be available to
14 every recipient until 2037, with enough funding re-
15 maining after that date to pay about 78 percent of
16 promised benefits.

17 (10) According to the Social Security Adminis-
18 tration, “money flowing into the [Social Security]
19 trust funds is invested in U.S. Government securi-
20 ties . . . the investments held by the trust funds are
21 backed by the full faith and credit of the U.S. Gov-
22 ernment. The Government has always repaid Social
23 Security, with interest.”.

24 (11) All workers who contribute into Social Se-
25 curity through the 12.4 percent payroll tax, which is

1 divided equally between employees and employers on
2 income up to \$106,800, deserve to have a dignified
3 and secure retirement.

4 (12) Social Security provides the majority of in-
5 come for two-thirds of the elderly population in the
6 United States, with approximately one-third of elder-
7 ly individuals receiving nearly all of their income
8 from Social Security.

9 (13) Overall, Social Security benefits for retir-
10 ees currently average a modest \$14,000 a year, with
11 the average for women receiving benefits being less
12 than \$12,000 per year.

13 (14) Nearly 1 out of every 4 adult Social Secu-
14 rity beneficiaries has served in the United States
15 military.

16 (15) Social Security is not solely a retirement
17 program, as it also serves as a disability insurance
18 program for American workers who become perma-
19 nently disabled and unable to work.

20 (16) The Social Security Disability Insurance
21 program is a critical lifeline for millions of American
22 workers, as a 20-year-old worker faces a 30 percent
23 chance of becoming disabled before reaching retire-
24 ment age.

1 (17) Proposals to privatize the Social Security
2 program would jeopardize the security of millions of
3 Americans by subjecting them to the ups-and-downs
4 of the volatile stock market as the source of their re-
5 tirement benefits.

6 (18) Raising the retirement age would jeop-
7 ardize the retirement future of millions of American
8 workers, particularly those in physically demanding
9 jobs as well as lower-income women, African-Ameri-
10 cans, and Latinos, all of whom have a much lower
11 life expectancy than wealthier Americans.

12 (19) Social Security benefits have already been
13 cut by 13 percent, as the Normal Retirement Age
14 was raised in 1983 from 65 years of age to 67 years
15 of age by 2022.

16 (20) According to the Social Security Adminis-
17 tration, raising the retirement age for future retirees
18 would reduce benefits by 6 to 7 percent for each
19 year that the Normal Retirement Age is raised.

20 (21) Reducing cost-of-living adjustments for
21 current or future Social Security beneficiaries would
22 force millions of such individuals to choose between
23 heating their homes, putting food on the table, or
24 paying for their prescription drugs.

1 (22) Social Security is a promise that this Na-
2 tion cannot afford to break.

3 **SEC. 3. LIMITATION ON CHANGES TO THE SOCIAL SECU-**
4 **RITY PROGRAM FOR CURRENT AND FUTURE**
5 **BENEFICIARIES.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, it shall not be in order in the Senate or the
8 House of Representatives to consider, for purposes of the
9 old-age, survivors, and disability insurance benefits pro-
10 gram established under title II of the Social Security Act
11 (42 U.S.C. 401 et seq.), any legislation that—

12 (1) increases the retirement age (as defined in
13 section 216(l)(1) of the Social Security Act (42
14 U.S.C. 416(l)(1))) or the early retirement age (as
15 defined in section 216(l)(2) of the Social Security
16 Act (42 U.S.C. 416(l)(2))) for individuals receiving
17 benefits under title II of the Social Security Act on
18 or after the date of enactment of this Act;

19 (2) reduces cost-of-living increases for individ-
20 uals receiving benefits under title II of the Social Se-
21 curity Act on or after the date of enactment of this
22 Act, as determined under section 215(i) of the Social
23 Security Act (42 U.S.C. 415(i));

24 (3) reduces benefit payment amounts for indi-
25 viduals receiving benefits under title II of the Social

1 Security Act on or after the date of enactment of
2 this Act; or

3 (4) creates private retirement accounts for any
4 of the benefits individuals receive under title II of
5 the Social Security Act on or after the date of enact-
6 ment of this Act.

7 (b) WAIVER OR SUSPENSION.—

8 (1) IN THE SENATE.—The provisions of this
9 section may be waived or suspended in the Senate
10 only by the affirmative vote of two-thirds of the
11 Members, present and voting.

12 (2) IN THE HOUSE.—The provisions of this sec-
13 tion may be waived or suspended in the House of
14 Representatives only by a rule or order proposing
15 only to waive such provisions by an affirmative vote
16 of two-thirds of the Members, present and voting.

17 (c) POINT OF ORDER PROTECTION.—In the House
18 of Representatives, it shall not be in order to consider a
19 rule or order that waives the application of paragraph (2)
20 of subsection (b).

21 (d) MOTION TO SUSPEND.—It shall not be in order
22 for the Speaker to entertain a motion to suspend the appli-
23 cation of this section under clause 1 of rule XV of the
24 Rules of the House of Representatives.

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