

107TH CONGRESS  
1ST SESSION

# S. 21

To establish an off-budget lockbox to strengthen Social Security and Medicare.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. DASCHLE (for himself, Mr. CONRAD, Mr. FEINGOLD, Ms. STABENOW, Mr. DORGAN, Mr. WYDEN, Ms. LINCOLN, Mrs. FEINSTEIN, Mrs. CLINTON, Mrs. MURRAY, Mr. SARBANES, Mrs. BOXER, Mr. CARPER, Mr. DURBIN, Mr. JOHNSON, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. BIDEN, Mr. NELSON of Florida, Mr. LEVIN, Mr. AKAKA, Mr. CORZINE, Mr. DAYTON, Mr. KERRY, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To establish an off-budget lockbox to strengthen Social Security and Medicare.

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 Off-Budget Lockbox Act of 2001”.

1 **SEC. 2. STRENGTHENING SOCIAL SECURITY POINTS OF**  
 2 **ORDER.**

3 (a) IN GENERAL.—Section 312 of the Congressional  
 4 Budget Act of 1974 (2 U.S.C. 643) is amended by insert-  
 5 ing at the end the following:

6 “(g) STRENGTHENING SOCIAL SECURITY POINT OF  
 7 ORDER.—It shall not be in order in the House of Rep-  
 8 resentatives or the Senate to consider a concurrent resolu-  
 9 tion on the budget (or any amendment thereto or con-  
 10 ference report thereon) or any bill, joint resolution,  
 11 amendment, motion, or conference report that would vio-  
 12 late or amend section 13301 of the Budget Enforcement  
 13 Act of 1990.”.

14 (b) SUPER MAJORITY REQUIREMENT.—

15 (1) POINT OF ORDER.—Section 904(c)(1) of the  
 16 Congressional Budget Act of 1974 is amended by in-  
 17 serting “312(g),” after “310(d)(2),”.

18 (2) WAIVER.—Section 904(d)(2) of the Con-  
 19 gressional Budget Act of 1974 is amended by insert-  
 20 ing “312(g),” after “310(d)(2),”.

21 (c) ENFORCEMENT IN EACH FISCAL YEAR.—The  
 22 Congressional Budget Act of 1974 is amended in—

23 (1) section 301(a)(7) (2 U.S.C. 632(a)(7)), by  
 24 striking “for the fiscal year” through the period and  
 25 inserting “for each fiscal year covered by the resolu-  
 26 tion”; and



1 tion on the budget (or any amendment thereto or con-  
2 ference report thereon) or any bill, joint resolution,  
3 amendment, motion, or conference report that would vio-  
4 late or amend this section.”.

5 (2) SUPER MAJORITY REQUIREMENT.—

6 (A) POINT OF ORDER.—Section 904(c)(1)  
7 of the Congressional Budget Act of 1974 is  
8 amended by inserting “316,” after “313,”.

9 (B) WAIVER.—Section 904(d)(2) of the  
10 Congressional Budget Act of 1974 is amended  
11 by inserting “316,” after “313,”.

12 (b) EXCLUSION OF MEDICARE TRUST FUND FROM  
13 CONGRESSIONAL BUDGET.—Section 301(a) of the Con-  
14 gressional Budget Act of 1974 (2 U.S.C. 632(a)) is  
15 amended by adding at the end the following: “The concur-  
16 rent resolution shall not include the outlays and revenue  
17 totals of the Federal Hospital Insurance Trust Fund in  
18 the surplus or deficit totals required by this subsection or  
19 in any other surplus or deficit totals required by this  
20 title.”

21 (c) BUDGET TOTALS.—Section 301(a) of the Con-  
22 gressional Budget Act of 1974 (2 U.S.C. 632(a)) is  
23 amended by inserting after paragraph (7) the following:

24 “(8) For purposes of Senate enforcement under  
25 this title, revenues and outlays of the Federal Hos-

1       pital Insurance Trust Fund for each fiscal year cov-  
2       ered by the budget resolution.”.

3       (d) BUDGET RESOLUTIONS.—Section 301(i) of the  
4       Congressional Budget Act of 1974 (2 U.S.C. 632(i)) is  
5       amended by—

6             (1) striking “SOCIAL SECURITY POINT OF  
7       ORDER.—It shall” and inserting “SOCIAL SECURITY  
8       AND MEDICARE POINTS OF ORDER.—

9             “(1) SOCIAL SECURITY.—It shall”; and

10            (2) inserting at the end the following:

11            “(2) MEDICARE.—It shall not be in order in the  
12       House of Representatives or the Senate to consider  
13       any concurrent resolution on the budget (or amend-  
14       ment, motion, or conference report on the resolu-  
15       tion) that would decrease the excess of the Federal  
16       Hospital Insurance Trust Fund revenues over Fed-  
17       eral Hospital Insurance Trust Fund outlays in any  
18       of the fiscal years covered by the concurrent resolu-  
19       tion. This paragraph shall not apply to amounts to  
20       be expended from the Hospital Insurance Trust  
21       Fund for purposes relating to programs within part  
22       A of Medicare as provided in law on the date of en-  
23       actment of this paragraph.”.

1 (e) MEDICARE FIREWALL.—Section 311(a) of the  
2 Congressional Budget Act of 1974 (2 U.S.C. 642(a)) is  
3 amended by adding after paragraph (3), the following:

4 “(4) ENFORCEMENT OF MEDICARE LEVELS IN  
5 THE SENATE.—After a concurrent resolution on the  
6 budget is agreed to, it shall not be in order in the  
7 Senate to consider any bill, joint resolution, amend-  
8 ment, motion, or conference report that would cause  
9 a decrease in surpluses or an increase in deficits of  
10 the Federal Hospital Insurance Trust Fund in any  
11 year relative to the levels set forth in the applicable  
12 resolution. This paragraph shall not apply to  
13 amounts to be expended from the Hospital Insur-  
14 ance Trust Fund for purposes relating to programs  
15 within part A of Medicare as provided in law on the  
16 date of enactment of this paragraph.”.

17 (f) BASELINE TO EXCLUDE HOSPITAL INSURANCE  
18 TRUST FUND.—Section 257(b)(3) of the Balanced Budget  
19 and Emergency Deficit Control Act of 1985 is amended  
20 by striking “shall be included in all” and inserting “shall  
21 not be included in any”.

22 (g) MEDICARE TRUST FUND EXEMPT FROM SE-  
23 QUESTERS.—Section 255(g)(1)(B) of the Balanced Budg-  
24 et and Emergency Deficit Control Act of 1985 is amended  
25 by adding at the end the following:

1           “Medicare as funded through the Federal Hos-  
2           pital Insurance Trust Fund.”.

3           (h) BUDGETARY TREATMENT OF HOSPITAL INSUR-  
4           ANCE TRUST FUND.—Section 710(a) of the Social Secu-  
5           rity Act (42 U.S.C. 911(a)) is amended—

6           (1) by striking “and” the second place it ap-  
7           pears and inserting a comma; and

8           (2) by inserting after “Federal Disability Insur-  
9           ance Trust Fund” the following: “, Federal Hospital  
10          Insurance Trust Fund”.

11 **SEC. 4. PREVENTING ON-BUDGET DEFICITS.**

12          (a) POINTS OF ORDER TO PREVENT ON-BUDGET  
13          DEFICITS.—Section 312 of the Congressional Budget Act  
14          of 1974 (2 U.S.C. 643) is amended by adding at the end  
15          the following:

16          “(h) POINTS OF ORDER TO PREVENT ON-BUDGET  
17          DEFICITS.—

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

1           “(2) SUBSEQUENT LEGISLATION.—It shall not  
2           be in order in the House of Representatives or the  
3           Senate to consider any bill, joint resolution, amend-  
4           ment, motion, or conference report if—

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

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

9                   “(C) the enactment of that bill or resolu-  
10                  tion in the form recommended in that con-  
11                  ference report,

12           would cause or increase an on-budget deficit for any  
13           fiscal year.”.

14           (b) SUPER MAJORITY REQUIREMENT.—

15                   (1) POINT OF ORDER.—Section 904(c)(1) of the  
16                   Congressional Budget Act of 1974 is amended by in-  
17                   serting “312(h),” after “312(g),”.

18                   (2) WAIVER.—Section 904(d)(2) of the Con-  
19                   gressional Budget Act of 1974 is amended by insert-  
20                   ing “312(h),” after “312(g),”.

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