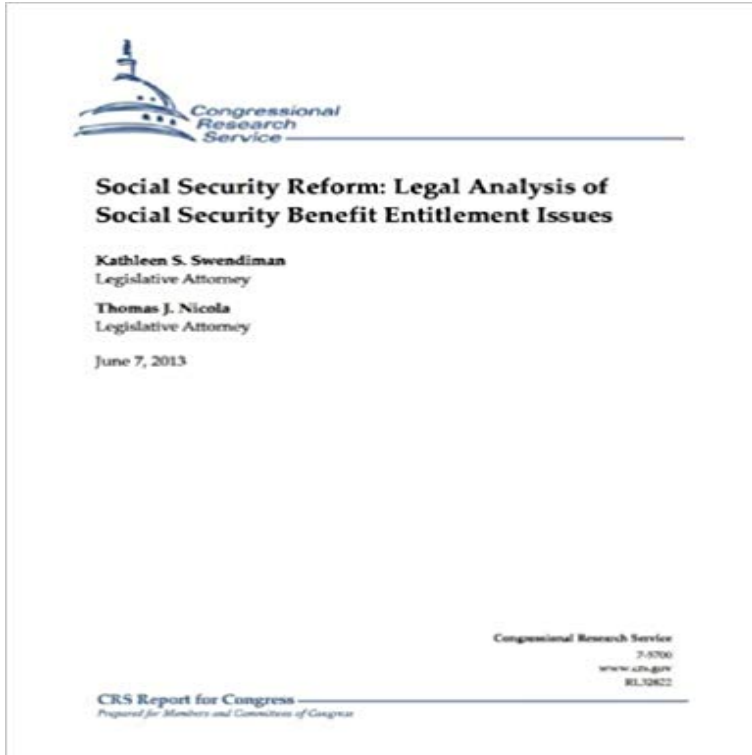


# Social Security Reform: Legal Analysis of Social Security Benefit Entitlement Issues



Calculations indicating that in the long run the Social Security program will not be financially sustainable under the present statutory scheme have fueled the current debate regarding Social Security reform. This report addresses selected legal issues which may be raised regarding entitlement to Social Security benefits as Congress considers possible changes to the Social Security program, and in view of projected long-range shortfalls in the Social Security Trust Funds. Social Security is a statutory entitlement program. Beneficiaries have a legal entitlement to receive Social Security benefits as set forth under the Social Security Act. The fact that Social Security benefits are financed by taxes on an employees wages, however, does not limit Congress power to fix the levels of benefits under the Social Security Act or the conditions upon which they may be paid. Congress authority to modify provisions of the Social Security program was affirmed in the 1960 Supreme Court decision in *Flemming v. Nestor*, wherein the Court held that an individual does not have an accrued property right in his or her Social Security benefits. The Court has made clear in subsequent court decisions that the payment of Social Security taxes conveys no contractual rights to Social Security benefits. Congress has the power to legislatively promise to pay individuals a certain level of Social Security benefits, and to provide legal evidence of Congress guarantee of the obligation of the federal government to provide for the payment of such benefits in the future. While Congress may decide to take whatever measures necessary to fulfill such an obligation, courts would be unlikely to find that Congress unilateral promise constitutes a contract which could not be modified in the future. In addition, a congressional promise not to reduce a specific level of Social Security benefits payable to certain eligible individuals would likely not overcome the

constitutional principle, subject to due process considerations, that one Congress may not bind a subsequent Congress to legislative action or inaction. The calculations concerning the possible future insolvency of the Social Security Trust Funds raise a question whether that result would affect the legal right of beneficiaries to receive full Social Security benefits. While an entitlement by definition legally obligates the United States to make payments to any person who meets the eligibility requirements established in the statute that creates the entitlement, a provision of the Antideficiency Act prevents an agency from paying more in benefits than the amount in the source of funds available to pay the benefits. The Social Security Act states that Social Security benefits shall be paid only from the Social Security Trust Funds, and the act appropriates all payroll taxes to pay benefits. Although the legal right of beneficiaries to receive full benefits would not be extinguished by an insufficient amount of funds in the Social Security Trust Funds, it appears that beneficiaries would have to wait until the Trust Funds receive an amount sufficient to pay full benefits in the case of a shortfall, unless Congress amends applicable laws.

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would face an uphill .. funds to issue benefits, i.e. when SS doesn't collect a surplus in that year. **Social Security Reform: Legal Analysis of Social Security Benefit Entitlement Issues** [June 7, 2013] [open pdf - 252 KB ]. Calculations indicating **US National Educational and Social Development Policy Handbook - Google Books Result** Social Security Reform: Legal Analysis of Social Security Benefit Entitlement Issues. CRS Pub. RL32822. Washington, DC: Office of Congressional Information

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In 1939, amendments added child, spouse, and survivor benefits to the to a large extent on short-range issues, the resulting reforms have generated large surpluses The original Social Security Act, signed into law on August 14, 1935, grew out of **Social Security Reform: Legal Analysis of Social Security Benefit Entitlement Issues** CRS Social Security Reform: Legal Analysis of Social Security Benefit Entitlement Issues. Emily M. Lanz, Legislative Attorney Thomas J. **Legal Analysis of Social Security Benefit Entitlement Issues** This report addresses selected legal issues which may be raised regarding entitlement to Social Security benefits as Congress considers **Social Security: A Program and Policy History** Buy Social Security Reform: Legal Analysis of Social Security Benefit Entitlement Issues: Read Kindle Store Reviews - . **The Future Financial Status of the Social Security Program** A limited form of the Social Security program began as a measure to implement social The Act provided benefits to retirees and the unemployed, and a lump-sum The Social Security law was very unpopular among many groups, especially Other scholars have replicated and endorsed DeWitts analysis, agreeing that **Social Security Reform: Legal Analysis of Social Security Benefit Entitlement Issues** Title: Social Security Reform: Legal Analysis of Social Security Benefit Entitlement Issues. CRS report number: RL32822. 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