

110TH CONGRESS
1ST SESSION

H. R. 279

To amend title II of the Social Security Act to provide for Congressional oversight and approval of totalization agreements.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mrs. CUBIN introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, 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 amend title II of the Social Security Act to provide for Congressional oversight and approval of totalization agreements.

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 Total-
5 ization Agreement Reform Act of 2007”.

1 **SEC. 2. TRANSMITTAL AND APPROVAL OF TOTALIZATION**
2 **AGREEMENTS.**

3 (a) IN GENERAL.—Section 233(e) of the Social Secu-
4 rity Act (42 U.S.C. 433(e)) is amended to read as follows:

5 “(e) (1) Any agreement to establish a totalization ar-
6 rangement which is entered into with another country
7 under this section shall enter into force with respect to
8 the United States if (and only if)—

9 “(A) the President, at least 90 calendar days
10 before the date on which the President enters into
11 the agreement, notifies each House of the Congress
12 of the President’s intention to enter into the agree-
13 ment, and promptly thereafter publishes notice of
14 such intention in the Federal Register,

15 “(B) the President transmits the text of such
16 agreement to each House of the Congress as pro-
17 vided in paragraph (2), and

18 “(C) an approval resolution regarding such
19 agreement has passed both Houses of the Congress
20 and has been enacted into law.

21 “(2)(A) Whenever an agreement referred to in para-
22 graph (1) is entered into, the President shall transmit to
23 each House of the Congress a document setting forth the
24 final legal text of such agreement and including a report
25 by the President in support of such agreement. The Presi-
26 dent’s report shall include the following:

1 “(i) an estimate by the Chief Actuary of the So-
2 cial Security Administration of the effect of the
3 agreement, in the short term and in the long term,
4 on the receipts and disbursements under the social
5 security system established by this title;

6 “(ii) a statement of any administrative action
7 proposed to implement the agreement and how such
8 action will change or affect existing law,

9 “(iii) a statement describing whether and how
10 the agreement changes provisions of an agreement
11 previously negotiated,

12 “(iv) a statement describing how and to what
13 extent the agreement makes progress in achieving
14 the purposes, policies, and objectives of this title,

15 “(v) an estimate by the Chief Actuary of the
16 Social Security Administration, working in consulta-
17 tion with the Comptroller General of the United
18 States, of the numbers of individuals who may be-
19 come eligible for any benefits under this title by rea-
20 son of the agreement or who may otherwise be af-
21 fected by the agreement,

22 “(vi) an assessment of the integrity of the re-
23 tirement data and records (including birth, death,
24 and marriage records) of the other country that is
25 a party to the agreement, and

1 “(vii) an assessment of the ability of such other
2 country to track and monitor recipients of benefits
3 affected by such agreement.

4 “(B) If any separate agreement or other under-
5 standing with another country (whether oral or in writing)
6 relating to an agreement to establish a totalization ar-
7 rangement under this section is not disclosed to the Con-
8 gress in the transmittal to the Congress under this para-
9 graph of the agreement to establish a totalization arrange-
10 ment, then such separate agreement or understanding
11 shall not be considered to be part of the agreement ap-
12 proved by the Congress under this section and shall have
13 no force and effect under United States law.

14 “(3) For purposes of this subsection, the term ‘ap-
15 proval resolution’ means a joint resolution, the matter
16 after the resolving clause of which is as follows: ‘That the
17 proposed agreement entered into pursuant to section 233
18 of the Social Security Act between the United States and
19 _____ establishing totalization arrangements
20 between the social security system established by title II
21 of such Act and the social security system of
22 _____, transmitted to the Congress by the
23 President on _____, is hereby approved.’, the first
24 two blanks therein being filled with the name of the coun-
25 try with which the United States entered into the agree-

1 ment, and the third blank therein being filled with the date
2 of the transmittal of the agreement to the Congress.

3 “(4) The succeeding paragraphs of this subsection
4 are enacted by the Congress—

5 “(A) as an exercise of the rulemaking power of
6 the House of Representatives and the Senate, re-
7 spectively, and as such they are deemed a part of
8 the rules of each House, respectively, but applicable
9 only with respect to the procedure to be followed in
10 that House in the case of disapproval resolutions
11 and approval resolutions, and they supersede other
12 rules only to the extent that they are inconsistent
13 therewith; and

14 “(B) with full recognition of the constitutional
15 right of either House to change the rules (so far as
16 relating to the procedure of that House) at any time,
17 in the same manner and to the same extent as in
18 the case of any other rule of that House.

19 “(5)(A) Whenever a document setting forth an agree-
20 ment entered into under this section and the President’s
21 report in support of the agreement is transmitted to the
22 Congress pursuant to paragraph (2), copies of such docu-
23 ment shall be delivered to both Houses of Congress on
24 the same day and shall be delivered to the Clerk of the
25 House of Representatives if the House is not in session

1 and to the Secretary of the Senate if the Senate is not
2 in session.

3 “(6)(A) On the day on which a document setting
4 forth the agreement is transmitted to the House of Rep-
5 resentatives and the Senate pursuant to paragraph (1),
6 an approval resolution with respect to such agreement
7 shall be introduced (by request) in the House by the ma-
8 jority leader of the House, for himself or herself and the
9 minority leader of the House, or by Members of the House
10 designated by the majority leader and minority leader of
11 the House; and shall be introduced (by request) in the
12 Senate by the majority leader of the Senate, for himself
13 or herself and the minority leader of the Senate, or by
14 Members of the Senate designated by the majority leader
15 and minority leader of the Senate. If either House is not
16 in session on the day on which such an agreement is trans-
17 mitted, the approval resolution with respect to such agree-
18 ment shall be introduced in that House, as provided in
19 the preceding sentence, on the first day thereafter on
20 which that House is in session. The resolution introduced
21 in the House of Representatives shall be referred to the
22 Committee on Ways and Means and the resolution intro-
23 duced in the Senate shall be referred to the Committee
24 on Finance.

1 “(B) No amendment to the approval resolution shall
2 be in order in either the House of Representatives or the
3 Senate; and no motion to suspend the application of this
4 clause shall be in order in either House, nor shall it be
5 in order in either House for the Presiding Officer to enter-
6 tain a request to suspend the application of this clause
7 by unanimous consent.

8 “(C) If the committee of either House to which an
9 approval resolution has been referred has not reported it
10 at the close of the 45th day after its introduction, such
11 committee shall be automatically discharged from further
12 consideration of the resolution and it shall be placed on
13 the appropriate calendar. A vote on final passage of the
14 resolution shall be taken in each House on or before the
15 close of the 15th day after the resolution is reported by
16 the committee of that House to which it was referred, or
17 after such committee has been discharged from further
18 consideration of the resolution.

19 “(D)(i) On or after the third day after the date on
20 which the committee to which the approval resolution is
21 referred has reported, or has been discharged from further
22 consideration of, such resolution, it is in order (even
23 though a previous motion to the same effect has been dis-
24 agreed to) for any Member of the respective House to
25 move to proceed to the consideration of the resolution. A

1 Member may make the motion only on the day after the
2 calendar day on which the Member announces to the re-
3 spective House the Member's intention to make the mo-
4 tion, except that, in the case of the House of Representa-
5 tives, the motion may be made without such prior an-
6 nouncement if the motion is made by direction of the Com-
7 mittee on Ways and Means. All points of order against
8 the approval resolution (and against consideration of the
9 resolution) are waived. The motion is highly privileged in
10 the House of Representatives and is privileged in the Sen-
11 ate and is not debatable. The motion is not subject to
12 amendment, or to a motion to postpone, or to a motion
13 to proceed to the consideration of other business. A motion
14 to reconsider the vote by which the motion is agreed to
15 or disagreed to shall not be in order. If a motion to pro-
16 ceed to the consideration of the resolution is agreed to,
17 the respective House shall immediately proceed to consid-
18 eration of the approval resolution without intervening mo-
19 tion, order, or other business, and the resolution shall re-
20 main the unfinished business of the respective House until
21 disposed of.

22 “(ii) Debate on the approval resolution, and on all
23 debatable motions and appeals in connection with the reso-
24 lution, shall be limited to not more than 20 hours, which
25 shall be divided equally between those favoring and those

1 opposing the resolution. An amendment to the resolution
2 is not in order. A motion further to limit debate is in order
3 and not debatable. A motion to postpone, or a motion to
4 proceed to the consideration of other business, or a motion
5 to recommit the resolution is not in order.

6 “(iii) Immediately following the conclusion of the de-
7 bate in the respective House on the approval resolution
8 and a single quorum call at the conclusion of the debate
9 if requested in accordance with the rules of the respective
10 House, the vote on final passage of the resolution shall
11 occur.

12 “(iv) Appeals from the decisions of the Presiding Of-
13 ficer relating to the application of the rules of the respec-
14 tive House to the procedure relating to the approval reso-
15 lution shall be decided without debate.

16 “(v) A motion to reconsider the vote by which the
17 approval resolution is agreed to or disagreed to is not in
18 order.

19 “(E) For purposes of this paragraph, in computing
20 a number of days in either House, there shall be excluded
21 any day on which that House is not in session.

22 “(7)(A) If, before the passage by one House of an
23 approval resolution of that House, that House receives an
24 approval resolution from the other House, then the fol-
25 lowing procedures shall apply:

1 “(i) The approval resolution of the other House
2 shall not be referred to a committee and may not be
3 considered in the House receiving it except in the
4 case of final passage as provided in clause (ii)(II).

5 “(ii) With respect to an approval resolution of
6 the House receiving the resolution—

7 “(I) the procedure in that House shall be
8 the same as if no resolution had been received
9 from the other House, and

10 “(II) the vote on final passage shall be on
11 the resolution of the other House.

12 “(B) Upon disposition of the resolution received from
13 the other House, it shall no longer be in order to consider
14 the resolution that originated in the receiving House.”.

15 (b) ADDITIONAL REPORTS AND EVALUATIONS.—Sec-
16 tion 233 of such Act is amended further by adding at the
17 end the following new subsections:

18 “(f) BIENNIAL SSA REPORT ON IMPACT OF TOTAL-
19 IZATION AGREEMENTS.—Not later than 2 years after the
20 effective date of each totalization agreement that is trans-
21 mitted to the Congress pursuant to subsection (e), and
22 biennially thereafter, the Commissioner of Social Security
23 shall submit to each House of the Congress and to the
24 Comptroller General a report relating to such agreement.
25 Such report shall—

1 “(1) compare the estimates contained in the re-
2 port submitted to Congress under clauses (i) and (v)
3 of subsection (e)(2)(A) with respect to that agree-
4 ment with the actual number of individuals affected
5 by the agreement and the actual effect of the agree-
6 ment on receipts and disbursements of the social se-
7 curity system established by this title; and

8 “(2) contain recommendations for adjusting the
9 methods used to make the estimates.

10 “(g) GAO EVALUATION AND REPORT.—

11 “(1) EVALUATION OF INITIAL REPORT ON IM-
12 PACT OF TOTALIZATION AGREEMENTS.—With re-
13 spect to each initial report regarding a totalization
14 agreement submitted under subsection (f), the
15 Comptroller General of the United States shall con-
16 duct an evaluation of the report that includes—

17 “(A) an evaluation of the procedures used
18 for making the estimates required by subsection
19 (e)(2)(A);

20 “(B) an evaluation of the procedures used
21 for determining the actual number of individ-
22 uals affected by the agreement and the effects
23 of the totalization agreement on receipts and
24 disbursements under the social security system
25 established by this title; and

1 “(C) such recommendations as the Comp-
2 troller General determines appropriate.

3 “(2) REPORT.—Not later than 1 year after the
4 date of the submission of an initial report regarding
5 a totalization agreement under subsection (f), the
6 Comptroller General shall submit to Congress a re-
7 port setting forth the results of the evaluation con-
8 ducted under paragraph (1).

9 “(3) DATA COLLECTION.—The Commissioner of
10 Social Security shall collect and maintain the data
11 necessary for the Comptroller General of the United
12 States to conduct the evaluation required by para-
13 graph (1).”.

14 “(c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply with respect to agreements estab-
16 lishing totalization arrangements entered into under sec-
17 tion 233 of the Social Security Act with are transmitted
18 to the Congress on or after January 1, 2007.

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