

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.

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## 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

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## 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), and18 “(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               proved 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.—Section 233 of such Act is amended further by adding at the  
16       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 Com-  
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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