

115TH CONGRESS
1ST SESSION

S. 1309

To amend title II of the Social Security Act to permit American Indian tribal councils to enter into agreements with the Commissioner of Social Security to obtain social security coverage for services performed by tribal council members.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2017

Ms. CANTWELL (for herself and Mr. THUNE) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title II of the Social Security Act to permit American Indian tribal councils to enter into agreements with the Commissioner of Social Security to obtain social security coverage for services performed by tribal council members.

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 “Tribal Social Security
5 Fairness Act”.

1 **SEC. 2. VOLUNTARY AGREEMENTS FOR COVERAGE OF**
 2 **SERVICES BY AMERICAN INDIAN TRIBAL**
 3 **COUNCIL MEMBERS.**

4 (a) IN GENERAL.—Title II of the Social Security Act
 5 (42 U.S.C. 401 et seq.) is amended by inserting after sec-
 6 tion 218 the following new section:

7 “VOLUNTARY AGREEMENTS FOR COVERAGE OF INDIAN
 8 TRIBAL COUNCIL MEMBERS

9 “Purpose of Agreement

10 “SEC. 218A. (a)(1) The Commissioner of Social Se-
 11 curity shall, at the request of any Indian tribe, enter into
 12 an agreement with such Indian tribe for the purpose of
 13 extending the insurance system established by this title to
 14 services performed by individuals as members of such In-
 15 dian tribe’s tribal council. Any agreement with an Indian
 16 tribe under this section must include all services per-
 17 formed by individuals in their capacity as members of the
 18 tribal council.

19 “(2) Notwithstanding section 210(a), for the pur-
 20 poses of this title, the term ‘employment’ includes any
 21 service included under an agreement entered into under
 22 this section.

23 “Definitions

24 “(b) For the purposes of this section:

25 “(1) The term ‘member’ means, with respect to
 26 a tribal council—

1 “(A) an individual who is serving as a
2 member of the tribal council; and

3 “(B) the head of the tribal council.

4 “(2) The term ‘tribal council’ means the gov-
5 erning body of a federally recognized Indian tribe.

6 “Effective Date of Agreement

7 “(c) Any agreement or modification of an agreement
8 under this section shall be effective with respect to services
9 performed after an effective date specified in such agree-
10 ment or modification, except that such date may not be
11 earlier than the first day of the next calendar month after
12 which the Indian tribe signs the agreement and sends it
13 to the Commissioner for signature.

14 “Duration of Agreement

15 “(d) No agreement under this section may be termi-
16 nated, either in its entirety or with respect to any member,
17 on or after the effective date of the agreement.”.

18 (b) CONFORMING AMENDMENT.—Section 3121(d)(4)
19 of the Internal Revenue Code of 1986 is amended by in-
20 serting “or 218A” after “section 218”.

21 (c) RULE OF CONSTRUCTION.—Nothing in this Act
22 or the amendments made by this Act shall be construed
23 to affect application of any Federal income tax with-

1 holding requirements under the Internal Revenue Code of
2 1986.

