

113TH CONGRESS
1ST SESSION

S. 767

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

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2013

Mr. BARRASSO (for himself, Mr. ENZI, Mr. INHOFE, and Mr. ROBERTS) 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 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 2013”.

6 **SEC. 2. TRANSMITTAL AND APPROVAL OF TOTALIZATION**
7 **AGREEMENTS.**

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

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

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

11 “(B) the President transmits the text of such
12 agreement to each House of Congress as provided in
13 paragraph (2), and

14 “(C) an approval resolution regarding such
15 agreement has passed both Houses of Congress and
16 has been enacted into law.

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

23 “(i) An estimate by the Chief Actuary of the
24 Social Security Administration of the effect of the
25 agreement, in the short term and in the long term,

1 on the receipts and disbursements under the Social
2 Security system established by this title.

3 “(ii) A statement of any administrative action
4 proposed to implement the agreement and how such
5 action will change or affect existing law.

6 “(iii) A statement describing whether and how
7 the agreement changes provisions of an agreement
8 previously negotiated.

9 “(iv) A statement describing how and to what
10 extent the agreement makes progress in achieving
11 the purposes, policies, and objectives of this title.

12 “(v) An estimate by the Chief Actuary of the
13 Social Security Administration, working in consulta-
14 tion with the Comptroller General of the United
15 States, of the number of individuals who may be-
16 come eligible for any benefits under this title or who
17 may otherwise be affected by the agreement.

18 “(vi) An assessment of the integrity of the re-
19 tirement data and records (including birth, death,
20 and marriage records) of the other country that is
21 the subject of the agreement.

22 “(vii) An assessment of the ability of such
23 country to track and monitor recipients of benefits
24 under such agreement.

1 “(B) If any separate agreement or other under-
2 standing with another country (whether oral or in writing)
3 relating to an agreement to establish a totalization ar-
4 rangement under this section is not disclosed to Congress
5 in the transmittal to Congress under this paragraph of
6 the agreement to establish a totalization arrangement,
7 then such separate agreement or understanding shall not
8 be considered to be part of the agreement approved by
9 Congress under this section and shall have no force and
10 effect under United States law.

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

1 “(4) Whenever a document setting forth an agree-
2 ment entered into under this section and the President’s
3 report in support of the agreement is transmitted to Con-
4 gress pursuant to paragraph (2), copies of such document
5 shall be delivered to both Houses of Congress on the same
6 day and shall be delivered to the Clerk of the House of
7 Representatives if the House is not in session and to the
8 Secretary of the Senate if the Senate is not in session.

9 “(5) On the day on which a document setting forth
10 the agreement is transmitted to the House of Representa-
11 tives and the Senate pursuant to paragraph (1), an ap-
12 proval resolution with respect to such agreement shall be
13 introduced (by request) in the House by the majority lead-
14 er of the House, for himself or herself and the minority
15 leader of the House, or by Members of the House des-
16 ignated by the majority leader and minority leader of the
17 House; and shall be introduced (by request) in the Senate
18 by the majority leader of the Senate, for himself or herself
19 and the minority leader of the Senate, or by Members of
20 the Senate designated by the majority leader and minority
21 leader of the Senate. If either House is not in session on
22 the day on which such an agreement is transmitted, the
23 approval resolution with respect to such agreement shall
24 be introduced in that House, as provided in the preceding
25 sentence, on the first day thereafter on which that House

1 is in session. The resolution introduced in the House of
2 Representatives shall be referred to the Committee on
3 Ways and Means and the resolution introduced in the Sen-
4 ate shall be referred to the Committee on Finance.”.

5 (b) EFFECTIVE DATE.—The amendments made by
6 this Act shall apply with respect to agreements estab-
7 lishing totalization arrangements entered into under sec-
8 tion 233 of the Social Security Act which are transmitted
9 to Congress on or after January 1, 2014.

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