

109TH CONGRESS
1ST SESSION

H. R. 2339

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

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2005

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 “Totalization Agree-
5 ment Congressional Approval Act of 2005”.

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, and

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 “(B) If any separate agreement or other under-
16 standing with another country (whether oral or in writing)
17 relating to an agreement to establish a totalization ar-
18 rangement under this section is not disclosed to the Con-
19 gress in the transmittal to the Congress under this para-
20 graph of the agreement to establish a totalization arrange-
21 ment, then such separate agreement or understanding
22 shall not be considered to be part of the agreement ap-
23 proved by the Congress under this section and shall have
24 no force and effect under United States law.

1 “(3) For purposes of this subsection, the term ‘ap-
2 proval resolution’ means a joint resolution, the matter
3 after the resolving clause of which is as follows: ‘That the
4 proposed agreement entered into pursuant to section 233
5 of the Social Security Act between the United States and
6 _____ establishing totalization arrangements
7 between the social security system established by title II
8 of such Act and the social security system of
9 _____, transmitted to the Congress by the
10 President on _____, is hereby approved.’, the first
11 two blanks therein being filled with the name of the coun-
12 try with which the United States entered into the agree-
13 ment, and the third blank therein being filled with the date
14 of the transmittal of the agreement to the Congress.

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

17 “(A) as an exercise of the rulemaking power of
18 the House of Representatives and the Senate, re-
19 spectively, and as such they are deemed a part of
20 the rules of each House, respectively, but applicable
21 only with respect to the procedure to be followed in
22 that House in the case of disapproval resolutions
23 and approval resolutions, and they supersede other
24 rules only to the extent that they are inconsistent
25 therewith; and

1 “(B) with full recognition of the constitutional
2 right of either House to change the rules (so far as
3 relating to the procedure of that House) at any time,
4 in the same manner and to the same extent as in
5 the case of any other rule of that House.

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

15 “(6)(A) On the day on which a document setting
16 forth the agreement is transmitted to the House of Rep-
17 resentatives and the Senate pursuant to paragraph (1),
18 an approval resolution with respect to such agreement
19 shall be introduced (by request) in the House by the ma-
20 jority leader of the House, for himself or herself and the
21 minority leader of the House, or by Members of the House
22 designated by the majority leader and minority leader of
23 the House; and shall be introduced (by request) in the
24 Senate by the majority leader of the Senate, for himself
25 or herself and the minority leader of the Senate, or by

1 Members of the Senate designated by the majority leader
2 and minority leader of the Senate. If either House is not
3 in session on the day on which such an agreement is trans-
4 mitted, the approval resolution with respect to such agree-
5 ment shall be introduced in that House, as provided in
6 the proceeding sentence, on the first day thereafter on
7 which that House is in session. The resolution introduced
8 in the House of Representatives shall be referred to the
9 Committee on Ways and Means and the resolution intro-
10 duced in the Senate shall be referred to the Committee
11 on Finance.

12 “(B) No amendment to the approval resolution shall
13 be in order in either the House of Representatives or the
14 Senate; and no motion to suspend the application of this
15 clause shall be in order in either House, nor shall it be
16 in order in either House for the Presiding Officer to enter-
17 tain a request to suspend the application of this clause
18 by unanimous consent.

19 “(C) If the committee of either House to which an
20 approval resolution has been referred has not reported it
21 at the close of the 45th day after its introduction, such
22 committee shall be automatically discharged from further
23 consideration of the resolution and it shall be placed on
24 the appropriate calendar. A vote on final passage of the
25 resolution shall be taken in each House on or before the

1 close of the 15th day after the resolution is reported by
2 the committee of that House to which it was referred, or
3 after such committee has been discharged from further
4 consideration of the resolution.

5 “(D)(i) On or after the third day after the date on
6 which the committee to which the approval resolution is
7 referred has reported, or has been discharged from further
8 consideration of, such resolution, it is in order (even
9 though a previous motion to the same effect has been dis-
10 agreed to) for any Member of the respective House to
11 move to proceed to the consideration of the resolution. A
12 Member may make the motion only on the day after the
13 calendar day on which the Member announces to the re-
14 spective House the Member’s intention to make the mo-
15 tion, except that, in the case of the House of Representa-
16 tives, the motion may be made without such prior an-
17 nouncement if the motion is made by direction of the Com-
18 mittee on Ways and Means. All points of order against
19 the approval resolution (and against consideration of the
20 resolution) are waived. The motion is highly privileged in
21 the House of Representatives and is privileged in the Sen-
22 ate and is not debatable. The motion is not subject to
23 amendment, or to a motion to postpone, or to a motion
24 to proceed to the consideration of other business. A motion
25 to reconsider the vote by which the motion is agreed to

1 or disagreed to shall not be in order. If a motion to pro-
2 ceed to the consideration of the resolution is agreed to,
3 the respective House shall immediately proceed to consid-
4 eration of the approval resolution without intervening mo-
5 tion, order, or other business, and the resolution shall re-
6 main the unfinished business of the respective House until
7 disposed of.

8 “(ii) Debate on the approval resolution, and on all
9 debatable motions and appeals in connection with the reso-
10 lution, shall be limited to not more than 20 hours, which
11 shall be divided equally between those favoring and those
12 opposing the resolution. An amendment to the resolution
13 is not in order. A motion further to limit debate is in order
14 and not debatable. A motion to postpone, or a motion to
15 proceed to the consideration of other business, or a motion
16 to recommit the resolution is not in order.

17 “(iii) Immediately following the conclusion of the de-
18 bate in the respective House on the approval resolution
19 and a single quorum call at the conclusion of the debate
20 if requested in accordance with the rules of the respective
21 House, the vote on final passage of the resolution shall
22 occur.

23 “(iv) Appeals from the decisions of the Presiding Of-
24 ficer relating to the application of the rules of the respec-

1 tive House to the procedure relating to the approval reso-
2 lution shall be decided without debate.

3 “(v) A motion to reconsider the vote by which the
4 approval resolution is agreed to or disagreed to is not in
5 order.

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

9 “(7)(A) If, before the passage by one House of an
10 approval resolution of that House, that House receives an
11 approval resolution from the other House, then the fol-
12 lowing procedures shall apply:

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

17 “(ii) With respect to an approval resolution of
18 the House receiving the resolution—

19 “(I) the procedure in that House shall be
20 the same as if no resolution had been received
21 from the other House, and

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

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

4 (b) **EFFECTIVE DATE.**—The amendment made by
5 this section shall apply with respect to agreements estab-
6 lishing totalization arrangements entered into under sec-
7 tion 233 of the Social Security Act which are transmitted
8 to the Congress on or after May 1, 2005.

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