

## Union Calendar No.

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6124

[Report No. 115-]

To amend title II of the Social Security Act to authorize voluntary agreements for coverage of Indian tribal council members, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2018

Mr. REICHERT (for himself, Ms. DELBENE, Mr. COLE, and Mr. KILMER) introduced the following bill; which was referred to the Committee on Ways and Means

JUNE --, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on June 15, 2018]

# **A BILL**

To amend title II of the Social Security Act to authorize voluntary agreements for coverage of Indian tribal council members, and for other purposes.

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 of 2018”.*

6 **SEC. 2. VOLUNTARY AGREEMENTS FOR COVERAGE OF**  
7 **SERVICES BY AMERICAN INDIAN TRIBAL**  
8 **COUNCIL MEMBERS.**

9 *(a) IN GENERAL.—Title II of the Social Security Act*  
10 *(42 U.S.C. 401 et seq.) is amended by inserting after section*  
11 *218 the following new section:*

12 *“VOLUNTARY AGREEMENTS FOR COVERAGE OF INDIAN*  
13 *TRIBAL COUNCIL MEMBERS*

14 *“Purpose of Agreement*

15 *“SEC. 218A. (a)(1) The Commissioner of Social Secu-*  
16 *rity shall, at the request of any Indian tribe, enter into*  
17 *an agreement with such Indian tribe for the purpose of ex-*  
18 *tending the insurance system established by this title to*  
19 *services performed by individuals as members of such In-*  
20 *dian tribe’s tribal council. Any agreement with an Indian*  
21 *tribe under this section applies to all members of the tribal*  
22 *council, and shall include all services performed by individ-*  
23 *uals in their capacity as council members.*

24 *“(2) Notwithstanding section 210(a), for the purposes*  
25 *of this title, the term ‘employment’ includes any service in-*  
26 *cluded under an agreement entered into under this section.*

1 *“Definitions*

2 *“(b) For the purposes of this section:*

3 *“(1) The term ‘member’ means, with respect to*  
4 *a tribal council, an individual appointed or elected to*  
5 *serve as a member or the head of the tribal council.*

6 *“(2) The term ‘tribal council’ means the ap-*  
7 *pointed or elected governing body of a federally recog-*  
8 *nized Indian tribe.*

9 *“Effective Date of Agreement*

10 *“(c)(1) Any agreement under this section shall be effec-*  
11 *tive with respect to services performed after an effective date*  
12 *specified in such agreement, provided that such date may*  
13 *not be earlier than the first day of the next calendar month*  
14 *after the month in which the agreement is executed by both*  
15 *parties.*

16 *“(2) At the request of the Indian tribe at the time of*  
17 *the agreement, such agreement may apply with respect to*  
18 *services performed before such effective date for which there*  
19 *were timely paid in good faith (and not subsequently re-*  
20 *funded) to the Secretary of the Treasury amounts equivalent*  
21 *to the sum of the taxes which would have been imposed by*  
22 *sections 3101 and 3111 of the Internal Revenue Code of*  
23 *1986 had such services constituted employment for purposes*  
24 *of chapter 21 of such Code. No agreement under this section*  
25 *may require payment to be made after the effective date*

1 *specified in such agreement of any taxes with respect to*  
2 *services performed before such effective date.*

3 *“Duration of Agreement*

4 *“(d) No agreement under this section may be termi-*  
5 *nated on or after the effective date of the agreement.”.*

6 *(b) CONFORMING AMENDMENTS.—*

7 *(1) SOCIAL SECURITY ACT.—Section 210(a) of*  
8 *the Social Security Act (42 U.S.C. 410(a)) is amend-*  
9 *ed—*

10 *(A) in paragraph (20), by striking “or” at*  
11 *the end;*

12 *(B) in paragraph (21), by striking the pe-*  
13 *riod at the end and inserting “; or”; and*

14 *(C) by inserting after paragraph (21) the*  
15 *following new paragraph:*

16 *“(22) Service performed by members of Indian*  
17 *tribal councils as tribal council members in the em-*  
18 *ploy of an Indian tribal government, except that this*  
19 *paragraph shall not apply in the case of service in-*  
20 *cluded under an agreement under section 218A.”.*

21 *(2) INTERNAL REVENUE CODE OF 1986.—The In-*  
22 *ternal Revenue Code of 1986 is amended—*

23 *(A) in section 3121(b)—*

24 *(i) in paragraph (20), by striking “or”*  
25 *at the end;*

1                   (ii) in paragraph (21), by striking the  
2                   period at the end and inserting “; or”; and

3                   (iii) by inserting after paragraph (21)  
4                   the following new paragraph:

5                   “(22) service performed by members of Indian  
6                   tribal councils as tribal council members in the em-  
7                   ploy of an Indian tribal government, except that this  
8                   paragraph shall not apply in the case of service in-  
9                   cluded under an agreement under section 218A of the  
10                  Social Security Act.”; and

11                  (B) in section 3121(d)(4), by inserting “or  
12                  218A” after “section 218”.

13                  (c) *RULE OF CONSTRUCTION.*—Nothing in this Act or  
14                  the amendments made by this Act shall be construed to af-  
15                  fect application of any Federal income tax withholding re-  
16                  quirements under the Internal Revenue Code of 1986.