

111TH CONGRESS
1ST SESSION

S. 42

To amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. ENSIGN (for himself, Mr. CORNYN, Mr. BOND, Mr. BURR, Mr. VITTER, Mr. ENZI, and Mr. ISAKSON) 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 preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Social Security Total-
3 ization Agreement Reform Act of 2009” or the “STAR
4 Act”.

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

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

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

13 “(A) the President, at least 90 calendar days
14 before the date on which the President enters into
15 the agreement, notifies each House of Congress of
16 the President’s intention to enter into the agree-
17 ment, and promptly thereafter publishes notice of
18 such intention in the Federal Register,

19 “(B) the President transmits the text of such
20 agreement to each House of Congress as provided in
21 paragraph (2), and

22 “(C) an approval resolution regarding such
23 agreement has passed both Houses of Congress and
24 has been enacted into law.

25 “(2)(A) Whenever an agreement referred to in para-
26 graph (1) is entered into, the President shall transmit to

1 each House of Congress a document setting forth the final
2 legal text of such agreement and including a report by the
3 President in support of such agreement. The President's
4 report shall include the following:

5 “(i) An estimate by the Chief Actuary of the
6 Social Security Administration of the effect of the
7 agreement, in the short term and in the long term,
8 on the receipts and disbursements under the Social
9 Security system established by this title.

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

13 “(iii) A statement describing whether and how
14 the agreement changes provisions of an agreement
15 previously negotiated.

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

19 “(v) An estimate by the Chief Actuary of the
20 Social Security Administration, working in consulta-
21 tion with the Comptroller General of the United
22 States, of the number of individuals who may be-
23 come eligible for any benefits under this title or who
24 may otherwise be affected by the agreement.

1 “(vi) An assessment of the integrity of the re-
2 tirement data and records (including birth, death,
3 and marriage records) of the other country that is
4 the subject of the agreement.

5 “(vii) An assessment of the ability of such
6 country to track and monitor recipients of benefits
7 under such agreement.

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

18 “(3) For purposes of this subsection, the term ‘ap-
19 proval resolution’ means a joint resolution, the matter
20 after the resolving clause of which is as follows: ‘That the
21 proposed agreement entered into pursuant to section 233
22 of the Social Security Act between the United States and
23 _____ establishing totalization arrangements
24 between the Social Security system established by title II
25 of such Act and the Social Security system of

1 _____, transmitted to Congress by the Presi-
2 dent on _____, is hereby approved.’, the first two
3 blanks therein being filled with the name of the country
4 with which the United States entered into the agreement,
5 and the third blank therein being filled with the date of
6 the transmittal of the agreement to Congress.

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

15 “(5) On the day on which a document setting forth
16 the agreement is transmitted to the House of Representa-
17 tives and the Senate pursuant to paragraph (1), an ap-
18 proval resolution with respect to such agreement shall be
19 introduced (by request) in the House by the majority lead-
20 er of the House, for himself or herself and the minority
21 leader of the House, or by Members of the House des-
22 igned by the majority leader and minority leader of the
23 House; and shall be introduced (by request) in the Senate
24 by the majority leader of the Senate, for himself or herself
25 and the minority leader of the Senate, or by Members of

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

11 (b) ADDITIONAL REPORTS AND EVALUATIONS.—Sec-
 12 tion 233 of the Social Security Act (42 U.S.C. 433) is
 13 amended by adding at the end the following new sub-
 14 sections:

15 “(f) BIENNIAL SSA REPORT ON IMPACT OF TOTAL-
 16 IZATION AGREEMENTS.—

17 “(1) REPORT.—For any totalization agreement
 18 transmitted to Congress on or after January 1,
 19 2009, the Commissioner of Social Security shall sub-
 20 mit a report to Congress and the Comptroller Gen-
 21 eral that—

22 “(A) compares the estimates contained in
 23 the report submitted to Congress under clauses
 24 (i) and (v) of subsection (e)(2)(A) with respect
 25 to that agreement with the actual number of in-

1 individuals affected by the agreement and the ac-
2 tual effect of the agreement on Social Security
3 system receipts and disbursements; and

4 “(B) contains recommendations for adjust-
5 ing the methods used to make the estimates.

6 “(2) DATES FOR SUBMISSION.—The report re-
7 quired under this subsection shall be provided not
8 later than 2 years after the effective date of the to-
9 talization agreement that is the subject of the report
10 and biennially thereafter.

11 “(g) GAO EVALUATION AND REPORT.—

12 “(1) EVALUATION OF INITIAL REPORT ON IM-
13 PACT OF TOTALIZATION AGREEMENTS.—With re-
14 spect to each initial report regarding a totalization
15 agreement submitted under subsection (f), the
16 Comptroller General of the United States shall con-
17 duct an evaluation of the report that includes—

18 “(A) an evaluation of the procedures used
19 for making the estimates required by subsection
20 (e)(2)(A);

21 “(B) an evaluation of the procedures used
22 for determining the actual number of individ-
23 uals affected by the agreement and the effects
24 of the totalization agreement on receipts and

1 disbursements under the Social Security sys-
2 tem; and

3 “(C) such recommendations as the Comp-
4 troller General determines appropriate.

5 “(2) REPORT.—Not later than 1 year after the
6 date of submission of an initial report regarding a
7 totalization agreement under subsection (f), the
8 Comptroller General shall submit to Congress a re-
9 port setting forth the results of the evaluation con-
10 ducted under paragraph (1).

11 “(3) DATA COLLECTION.—The Commissioner of
12 Social Security shall collect and maintain the data
13 necessary for the Comptroller General of the United
14 States to conduct the evaluation required by para-
15 graph (1).”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply with respect to agreements estab-
18 lishing totalization arrangements entered into under sec-
19 tion 233 of the Social Security Act which are transmitted
20 to Congress on or after January 1, 2009.

○