

110TH CONGRESS  
1ST SESSION

# S. 43

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. ENSIGN (for himself, Mr. INHOFE, Mr. THOMAS, Mr. SESSIONS, Mr. COLEMAN, and Mrs. DOLE) introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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 2007” 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 2007, 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 system;  
2           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, 2007.

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