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Text of S. 181: Social Security Totalization Agreement Reform Act of 2011

Jan 25, 2011 - Introduced in Senate. This is the original text of the bill as it was written by its sponsor and submitted to the Senate for consideration. This is the latest version of the bill currently available on GovTrack.

S 181 IS

112th CONGRESS

1st Session

S. 181

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 25 (legislative day, January 5), 2011

Mr. ENSIGN (for himself, Mr. BURR, Mr. ENZI, Mr. BARRASSO, Mr. ROBERTS, and Mr. CORNYN) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Social Security Totalization Agreement Reform Act of 2011' or the 'STAR Act'.

SEC. 2. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) In General- Section 233(e) of the Social Security Act ([42 U.S.C. 433\(e\)](#)) is amended to read as follows:

'(e)(1) Any agreement to establish a totalization arrangement which is entered into with another

country under this section shall enter into force with respect to the United States if (and only if)--

'(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

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

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

'(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

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

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

'(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

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

'(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

'(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

'(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

'(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

'(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and XXXXXXXX establishing totalization arrangements between the Social Security system established by title II of such Act and the Social Security system of XXXXXXXX, transmitted to Congress by the President on XXXXXX, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

'(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

'(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.'

(b) Additional Reports and Evaluations- Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

'(f) Biennial SSA Report on Impact of Totalization Agreements-

'(1) REPORT- For any totalization agreement transmitted to Congress on or after January 1, 2011, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that--

'(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on Social Security system receipts and disbursements; and

'(B) contains recommendations for adjusting the methods used to make the estimates.

'(2) DATES FOR SUBMISSION- The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

'(g) GAO Evaluation and Report-

'(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS- With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes--

'(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

'(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the Social Security system; and

'(C) such recommendations as the Comptroller General determines appropriate.

'(2) REPORT- Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

'(3) DATA COLLECTION- The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).'

(c) Effective Date- The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to Congress on or after January 1, 2011.

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