

Social Security Totalization Agreement With Mexico

- U.S. Social Security Commissioner Jo Anne Barnhart signed an agreement with Mexico on June 29, 2004, for Social Security “totalization.”
- Mexicans who have worked in the United States, their dependents, and survivors could draw benefits for U.S. work of six quarter hours or more, and vice versa.

Major concerns:

- **Illegal aliens** could count unlawful U.S. work to tap Social Security funds. Thus, the pool of new beneficiaries to this entitlement goes far beyond SSA estimates. **Totalization with Mexico will cost more than the other totalization agreements combined.**
- Totalization agreements with about 20 other countries are by and large with **developed nations** that are a **distance away**, involve relatively **few workers**, and – importantly – with nations responsible for nowhere near the same **illegal immigration** as Mexico. **Mexican totalization will be a huge incentive for even more illegal immigration.**
- Even using the Social Security Administration’s highly questionable estimates, there is great disparity between about 3,000 Americans who work in Mexico versus nearly 50,000 legal Mexican workers. Mexico would benefit much more than the U.S., and probably to a much greater degree than SSA says.
- **An estimated 69 percent of the 12 million illegal aliens in America are Mexican.** Plus, an untold number have worked here as illegals and returned to Mexico. All illegal Mexican aliens, current and former, plus their dependents and survivors will become beneficiaries to a U.S. entitlement – effectively a reward for their lawbreaking.
- The GAO noted that SSA’s previous totalization cost estimates have been poor. GAO found estimates off “usually by **more than 25 percent**,” with underestimates being especially far off track. **SSA has not addressed a single concern that GAO raised.**

Procedural steps:

- SSA signs the agreement (done); State Dept. and the White House review it;
- The administration formally presents the agreement to Congress;
- Congress has 60 session days to review it; the agreement automatically goes into effect **unless** the House or Senate adopts a resolution of disapproval;
- The disapproval procedure’s constitutionality is questioned, following a 1983 Supreme Court decision striking down the legislative veto (INS v. Chadha).

Action items:

- A **resolution of disapproval** under the Social Security Act. **Need a Senate sponsor, cosponsors; need Senate sponsors, cosponsors of related bills.**
- **Amend the Labor-HHS Appropriations bill** to prohibit funds from being spent to implement this totalization agreement. **Need a Senator to offer the amendment, votes in favor of the House and Senate amendments.**
- **Floor speeches, columns, op-eds, letters to the editor** to publicize the flaws in this agreement and the significant unfunded liability it puts on Social Security and taxpayers.
- **Contact the administration** urging the President, the State Department, and the Social Security Administration to withdraw the agreement.

Mexican Social Security Totalization Agreement-Related Legislation

Resolutions of Disapproval

- H.Res. 18 – Goode – resolution of disapproval of totalization agreement with Mexico
- H.Res. 22 – Steve King – resolution of disapproval of totalization agreement with Mexico

Revise Totalization Approval Process

- S. 43 – STAR Act – Ensign – requires congressional affirmative approval of Social Security totalization agreements
- H.R. 279 – STAR Act – Cubin – same as S. 43

Limitation of Alien Social Security Work Credit

- H.R. 190 – Paul – provides that illegal or temporary resident aliens' work in the United States is ineligible to be counted for Social Security benefits; establishes such restrictions for totalization agreements
- H.R. 332 – Carter – renders illegal aliens ineligible for Social Security credit for U.S. work while unlawfully resident in the United States