

112TH CONGRESS  
1ST SESSION

# H. R. 2494

To authorize and direct the Secretary of State and the Commissioner of Social Security to continue to work with the governments of the states of the former Soviet Union to encourage such states to adopt policies that would allow receipt of pensions for individuals who worked in any such state and earned a pension and currently reside in the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2011

Mr. NADLER introduced the following bill; which was referred to the  
Committee on Foreign Affairs

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## A BILL

To authorize and direct the Secretary of State and the Commissioner of Social Security to continue to work with the governments of the states of the former Soviet Union to encourage such states to adopt policies that would allow receipt of pensions for individuals who worked in any such state and earned a pension and currently reside in the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Former Soviet Union  
3 State Pension Fairness Act of 2011”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) According to the 2009 American Commu-  
7 nity Survey, over 1.1 million immigrants from the  
8 fifteen states of the former Soviet Union currently  
9 live in the United States.

10 (2) Many such immigrants worked for decades  
11 for state-run industries in their countries of origin.

12 (3) As a result of such years of hard work, such  
13 immigrants earned government pensions in their  
14 countries of origin.

15 (4) According to the 2009 American Commu-  
16 nity Survey, 37 percent of such immigrants are out  
17 of the labor force, 18 percent are aged 65 and over,  
18 and 17 percent live below the poverty line.

19 (5) Many such immigrants are elderly, retired,  
20 and poor, living on fixed incomes.

21 (6) Many such immigrants are Jews who fled  
22 due to religious persecution.

23 (7) Many of such immigrants who are Jews  
24 were forced to give up their citizenship before being  
25 allowed to leave their country of origin.

1           (8) The United States has negotiated agree-  
2           ments with 24 countries, often called “totalization  
3           agreements”, to coordinate comprehensively public  
4           pension coverage and benefits across countries.

5           (9) The 24 countries with which the United  
6           States has totalization agreements are Australia,  
7           Austria, Belgium, Canada, Chile, Czech Republic,  
8           Denmark, Finland, France, Germany, Greece, Ire-  
9           land, Italy, Japan, South Korea, Luxembourg, the  
10          Netherlands, Norway, Poland, Portugal, Spain, Swe-  
11          den, Switzerland, and the United Kingdom.

12          (10) The United States does not pay Social Se-  
13          curity benefits to noncitizens residing outside the  
14          United States for more than six consecutive months  
15          (“alien nonpayment provision”) unless certain excep-  
16          tions are met.

17          (11) One exception to the alien nonpayment  
18          provision, under section 202(t) of the Social Security  
19          Act, is if the alien is a citizen of a country that has  
20          a social insurance or pension system which meets  
21          certain criteria, including having a system under  
22          which benefits are paid to eligible United States citi-  
23          zens who reside outside that country.

24          (12) The United States has arrangements with  
25          71 countries under section 202(t) of the Social Secu-

1 rity Act, in which the United States pays a foreign  
2 country's citizens who earned Social Security while  
3 working in the United States but have since moved  
4 abroad because that foreign country pays United  
5 States citizens who earned pensions in that foreign  
6 country but have since moved abroad.

7 (13) According to the Social Security Adminis-  
8 tration, these 71 countries are Albania, Antigua and  
9 Barbuda, Argentina, Austria, Bahamas, Barbados,  
10 Belgium, Belize, Bolivia, Bosnia-Herzegovina,  
11 Brazil, Burkina Faso, Canada, Chile, Colombia,  
12 Costa Rica, Cote D'Ivoire, Croatia, Cyprus, Czech  
13 Republic, Denmark, Dominica, Dominican Republic,  
14 Ecuador, El Salvador, Finland, France, Gabon, Gre-  
15 nada, Guatemala, Guyana, Hungary, Iceland, Ja-  
16 maica, Jordan, Latvia, Liechtenstein, Lithuania,  
17 Luxembourg, Macedonia, Malta, Marshall Islands,  
18 Mexico, Federated States of Micronesia, Monaco,  
19 Montenegro, Nicaragua, Norway, Palau, Panama,  
20 Peru, Philippines, Poland, Portugal, St. Kitts and  
21 Nevis, St. Lucia, Samoa, San Marino, Serbia, Slo-  
22 vakia, Slovenia, South Korea, Spain, Sweden, Swit-  
23 zerland, The Netherlands, Trinidad-Tobago, Turkey,  
24 United Kingdom, Uruguay, and Venezuela.

1           (14) Not all persons from the states of the  
2 former Soviet Union who now live in the United  
3 States are paid pensions that they worked for and  
4 earned while working in such states.

5           (15) The Secretary of State and the Commis-  
6 sioner of Social Security have worked with the gov-  
7 ernments of the states of the former Soviet Union  
8 to encourage such states to adopt policies that would  
9 allow receipt of pensions for all individuals who  
10 worked in any such state and earned a pension and  
11 currently reside in the United States.

12           (16) In June 2009, the House of Representa-  
13 tives by voice vote adopted House Amendment 185  
14 to H.R. 2410, the Foreign Relations Authorization  
15 Act, Fiscal Years 2010 and 2011, which stated it is  
16 the “sense of Congress that the United States  
17 should continue working with the states of the  
18 former Soviet Union to come to an agreement  
19 whereby each state of the former Soviet Union would  
20 pay the tens of thousands of beneficiaries who have  
21 immigrated to the United States the pensions for  
22 which they are eligible and entitled.”.

23           (17) In October 2009, the Constitutional Court  
24 of Ukraine ruled that its law barring pension pay-  
25 ments to those who lived in Ukraine or lived in

1 countries with which Ukraine had a pension treaty  
2 was unconstitutional.

3 (18) To allow Ukrainians in the United States  
4 to receive the pensions they earned pursuant to the  
5 decision of the Constitutional Court of Ukraine, its  
6 decision has to be implemented through legislation.

7 **SEC. 3. DIRECTION TO SECRETARY OF STATE AND COMMIS-**  
8 **SIONER OF SOCIAL SECURITY RELATING TO**  
9 **PENSION POLICIES OF STATES OF THE**  
10 **FORMER SOVIET UNION.**

11 (a) IN GENERAL.—The Secretary of State and the  
12 Commissioner of Social Security are authorized and di-  
13 rected to continue to work with the governments of the  
14 states of the former Soviet Union to encourage such states  
15 to adopt policies that would allow receipt of pensions for  
16 individuals who worked in any such state and earned a  
17 pension and currently reside in the United States.

18 (b) PRIORITY IN U.S. FOREIGN POLICY.—The Sec-  
19 retary of State is authorized and directed to continue to  
20 make the adoption of policies described in subsection (a)  
21 by the states of the former Soviet Union a priority in the  
22 conduct of United States foreign policy with such states.

23 **SEC. 4. REPORT.**

24 Not later than 1 year after the date of the enactment  
25 of this Act, and annually thereafter, the Secretary of State

1 and the Commissioner of Social Security shall jointly sub-  
2 mit to Congress a report on the implementation of this  
3 Act for the preceding year. Such report shall include a  
4 detailed description of the progress that has been made  
5 to encourage the states of the former Soviet Union to  
6 adopt policies described in section 3(a).

7 **SEC. 5. STATES OF THE FORMER SOVIET UNION DEFINED.**

8 In this Act, the term “states of the former Soviet  
9 Union” means Armenia, Azerbaijan, Belarus, Estonia,  
10 Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania,  
11 Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uz-  
12 bekistan.

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