

118TH CONGRESS
2D SESSION

S. 5010

To amend the Social Security Act to provide retirement security to United States nationals who were unlawfully or wrongfully detained or held hostage abroad.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2024

Mr. COONS (for himself, Mr. CASSIDY, Mr. Kaine, Ms. COLLINS, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Social Security Act to provide retirement security to United States nationals who were unlawfully or wrongfully detained or held hostage abroad.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Retirement Security
5 for American Hostages Act”.

1 **SEC. 2. DEEMED WAGES FOR HOSTAGES AND INDIVIDUALS**
 2 **WRONGFULLY DETAINED ABROAD.**

3 (a) IN GENERAL.—Title II of the Social Security Act
 4 is amended by adding after section 234 (42 U.S.C. 434)
 5 the following new section:

6 “DEEMED WAGES FOR HOSTAGES AND INDIVIDUALS
 7 WRONGFULLY DETAINED ABROAD

8 “SEC. 235. (a) DEFINITIONS.—For purposes of this
 9 section—

10 “(1) QUALIFYING MONTH.—

11 “(A) IN GENERAL.—Subject to subpara-
 12 graph (B), the term ‘qualifying month’ means,
 13 in connection with an individual, any month—

14 “(i) beginning before, on, or after the
 15 date of enactment of this section, and

16 “(ii) during which such individual
 17 was—

18 “(I) unlawfully or wrongfully de-
 19 tained abroad; or

20 “(II) held hostage abroad.

21 “(B) EXCEPTION.—The term ‘qualifying
 22 month’ does not include any month ending after
 23 the date on which such individual attains retire-
 24 ment age (as defined in section 216(l)).

25 “(2) QUALIFYING INDIVIDUAL.—The term
 26 ‘qualifying individual’ means an individual who is—

1 “(A) a United States national unlawfully
2 or wrongfully detained abroad, as determined
3 under section 302 of the Robert Levinson Hos-
4 tage Recovery and Hostage-Taking Account-
5 ability Act (22 U.S.C. 1741); or

6 “(B) a United States national taken hos-
7 tage abroad, as determined pursuant to the
8 findings of the Hostage Recovery Fusion Cell
9 (as described in section 304 of the Robert
10 Levinson Hostage Recovery and Hostage-Tak-
11 ing Accountability Act (22 U.S.C. 1741b)).

12 “(b) DEEMED WAGES.—

13 “(1) IN GENERAL.—For purposes of deter-
14 mining entitlement to and the amount of any month-
15 ly benefit for any month, or entitlement to and the
16 amount of any lump-sum death payment in the case
17 of a death, payable under this title on the basis of
18 the wages and self-employment income of any quali-
19 fying individual, such individual shall be deemed to
20 have been paid during each qualifying month at an
21 amount per month equal to $\frac{1}{12}$ th of the national av-
22 erage wage index (as defined in section 209(k)(1))
23 for the second calendar year preceding the calendar
24 year in which such month occurs.

1 “(2) EXCEPTION.—Paragraph (1) shall not be
2 applicable in the case of any monthly benefit or
3 lump-sum death payment if a larger such benefit or
4 payment, as the case may be, would be payable with-
5 out its application.

6 “(c) RULES AND REGULATIONS.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of the enactment of this section, the Com-
9 missioner of Social Security shall promulgate such
10 regulations as are necessary to carry out this sec-
11 tion, including regulations establishing procedures
12 for the application and certification requirements de-
13 scribed in paragraph (2).

14 “(2) APPLICATION AND CERTIFICATION RE-
15 QUIREMENTS.—A qualifying month shall not be
16 taken into account under this section with respect to
17 an individual unless the individual (or any other in-
18 dividual entitled to any benefit or payment payable
19 under this title on the basis of the wages and self-
20 employment income of such individual) submits to
21 the Commissioner of Social Security an application
22 for benefits under this section that includes—

23 “(A) documentation of a determination
24 made by a Federal agency that the individual
25 satisfies the requirements under subsection

1 (a)(2) with respect to a qualifying individual,
2 including the period during which the individual
3 was—

4 “(i) unlawfully or wrongfully detained
5 abroad; or

6 “(ii) held hostage abroad; and

7 “(B) such other information as the Com-
8 missioner may require.”.

9 (b) CONFORMING AMENDMENT.—Section 209(k)(1)
10 of such Act (42 U.S.C. 409(k)(1)) is amended—

11 (1) by striking “and” before “230(b)(2)” the
12 first time it appears; and

13 (2) by inserting “and 235(b)(1),” after
14 “1977),”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on the date which is 24
17 months after the date of enactment of this Act.

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