

118TH CONGRESS

1ST SESSION **H. R. 6049**

To award payments to employees of Air America who provided support to the United States from 1950 to 1976, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2023

Mr. GROTHMAN (for himself, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. WALTZ, Mr. TRONE, Ms. SALAZAR, Mr. TIFFANY, Ms. KELLY of Illinois, Mr. LAMALFA, Mr. SMITH of Washington, Ms. WILLIAMS of Georgia, Mr. VALADAO, Mr. GARAMENDI, Mr. TAKANO, Ms. ESCOBAR, Ms. TENNEY, Mr. BOST, Mr. COSTA, Ms. TITUS, Ms. LEE of Nevada, Mr. MRVAN, Mr. GIMENEZ, Mr. CARBAJAL, Mr. NADLER, Mr. JOHNSON of Georgia, Mr. MOOLENAAR, Mr. PAPPAS, Mr. CARSON, Mr. KILMER, Ms. BROWNLEY, and Mr. TONY GONZALES of Texas) introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

A BILL

To award payments to employees of Air America who provided support to the United States from 1950 to 1976, and for other purposes.

*1 Be it enacted by the Senate and House of Representa2 tives
of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Air America Act of 5 2023”.

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SEC. 2. FINDINGS.

Congress finds the following:

3 (1) Air America and its affiliated companies, in
4 coordination with the Central Intelligence Agency,
5 provided direct and indirect support to the United
6 States Government from 1950 to 1976.

7 (2) The service and sacrifice of employees of 8 Air America
included—

9 (A) suffering a high rate of casualties in 10 the course of
service;

11 (B) saving thousands of lives in search and
12 rescue missions for downed United States
air13 men and allied refugee evacuations;
and 14 (C) serving lengthy periods under
chal-

15 lenging circumstances abroad.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) **AFFILIATED COMPANY.**—The term “affili19 ated
company”, with respect to Air America, in20
cludes Air Asia Company Limited, CAT Incor21
porated, Civil Air Transport Company Limited,

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and 22 the Pacific Division of Southern Air
Transport.

23 (2) AIR AMERICA.—The term “Air America” 24 means Air
America, Incorporated.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—

The term “appropriate congressional com-

3 mittees” means—

4 (A) the Committee on Homeland Security
5 and Governmental Affairs, the Select Com6
mittee on Intelligence, and the Committee on
7 Appropriations of the Senate; and

8 (B) the Committee on Oversight and Ac9
countability, the Permanent Select Committee

10 on Intelligence, and the Committee on Appro11 priations of
the House of Representatives.

12 (4) CHILD; DEPENDENT; WIDOW; WIDOWER.—

13 The terms “child”, “dependent”, “widow”, and
14 “widower” have the meanings given those terms in
15 section 8341(a) of title 5, United States Code, ex16 cept
that section shall be applied by substituting

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17 “individual who performed qualifying service” for 18
“employee or Member”.

19 (5) COVERED DECEDENT.—The term “covered 20 decedent”
means an individual who was killed in 21 Southeast Asia while
supporting operations of the
22 Central Intelligence Agency during the period begin23 ning
on January 1, 1950, and ending on December
24 31, 1976, as a United States citizen employee of Air 25
America or an affiliated company.

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(6) DIRECTOR.—The term “Director” means the Director of the Central Intelligence Agency.

(7) QUALIFYING SERVICE.—The term “qualifying service” means service that—

5 (A) was performed by a United States cit-
6 izen as an employee of Air America or an
affili7 ated company during the period
beginning on

8 January 1, 1950, and ending on
December 31,

9 1976; and

10 (B) is documented in—

11 (i) the corporate records of Air Amer-
12 ica or an affiliated company;

13 (ii) records possessed by the United 14
States Government; or

15 (iii) the personal records of a former
16 employee of Air America or an affiliated
17 company that are verified by the United
18 States Government.

19 (8) SURVIVOR.—The term “survivor” means—

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(A) the widow or widower of— 21 (i) an individual who performed quali-

ifying service; or

(ii) a covered decedent; or

(B) an individual who, at any time during

or since the period of qualifying service, or on

the date of death of a covered decedent, was a

dependent or child of—

(i) the individual who performed such qualifying service; or

(ii) the covered decedent.

SEC. 4. AWARD AUTHORIZED TO ELIGIBLE PERSONS.

(a) IN GENERAL.—Subject to the limitation in sub8 section (d), the

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Director shall provide an award
payment 9 of \$40,000 under this
section—

- 10 (1) to an individual who performed qualifying
11 service for a period of greater than or equal to 5
12 years or to a survivor of such individual; or
13 (2) to the survivor of a covered decedent.

14 (b) REQUIREMENTS.—

15 (1) IN GENERAL.—To be eligible for a payment 16 under this
subsection, an individual who performed
17 qualifying service or survivor (as the case may be) 18 must
demonstrate to the satisfaction of the Director 19 that the
individual whose qualifying service upon
20 which the payment is based meets the criteria of 21 paragraph
(1) or (2) of subsection (a).

22 (2) RELIANCE ON RECORDS.—In carrying out
23 this subsection, in addition to any evidence
provided by such an individual or survivor, the
Director may

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rely on records possessed by the United States
Government.

(c) **ADDITIONAL PAYMENT.**—If an individual, or in the
case of a survivor, the individual whose qualifying
5 service upon which the payment is based, can demonstrate
6 to the Director that the qualifying service of the individual
7 exceeded 5 years, the Director shall pay to such individual
8 or survivor an additional \$8,000 for each full year in ex9
cess of 5 years (and a proportionate amount for a partial 10
year).

11 (d) **SURVIVORS.**—In the case of an award granted to 12 a
survivor under this section, the payment shall be made— 13 (1)
to the surviving widow or widower; or 14 (2) if there is no
surviving widow or widower,
15 to the surviving dependent or child, in equal shares.

16 **SEC. 5. FUNDING LIMITATION.**

17 (a) **IN GENERAL.**—The total amount of awards

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18 granted under this Act may not exceed \$60,000,000.

19 (b) REQUESTS FOR ADDITIONAL FUNDS.—If, at the
20 determination of the Director, the amount of funds re21 quired
to satisfy all valid applications for payment under
22 this Act exceeds the limitation set forth in subsection (a),
23 the Director shall submit to Congress a request for sufficient
funds to fulfill all remaining payments.

(c) AWARDS TO EMPLOYEES OF INTERMOUNTAIN
2 AVIATION.—The Director may determine, on a case-by- 3 case
basis, to award amounts to individuals who performed
4 service consistent with the definition of qualifying service
5 as employees of Intermountain Aviation.

6 SEC. 6. TIME LIMITATION.

7 (a) IN GENERAL.—To be eligible for an award pay8 ment
under this Act, a claimant must file a claim for such 9
payment with the Director not later than 2 years after

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10 the effective date of the regulations prescribed by the Di11
rector in accordance with section 7.

12 (b) DETERMINATION.—Not later than 90 days after 13
receiving a claim for an award payment under this section,

14 the Director shall determine the eligibility of the
claimant

15 for payment.

16 (c) PAYMENT.—

17 (1) IN GENERAL.—If the Director determines
18 that the claimant is eligible for the award payment,
19 the Director shall pay the award payment not
later 20 than 60 days after the date of such
determination.

21 (2) LUMP-SUM PAYMENT.—The Director shall
22 issue each payment as a one-time lump sum pay-
23 ment contingent upon the timely filing of the
claimant under this section.

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(3) NOTICE AND DELAYS.—The Director shall notify the appropriate congressional committees of any delays in making an award payment not later than 30 days after the date such payment is due.

5 **SEC. 7. APPLICATION PROCEDURES.**

6 (a) IN GENERAL.—The Director shall prescribe pro-
7 cedures to carry out this Act, which shall include
8 processes 8 under which—

9 (1) claimants may submit claims for payment 10 under this
Act;

11 (2) the Director will award the amounts under
12 section 4; and

13 (3) claimants can obtain redress and appeal de-
14 terminations under section 6.

15 (b) OTHER MATTERS.—Such procedures—

16 (1) shall be—

17 (A) prescribed not later than 60 days after
18 the date of the enactment of this Act; and

19 (B) published in the Code of Federal Reg-
20 ulations; and

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21 (2) shall not be subject to chapter 5 of title 5,
22 United States Code.

23 **SEC. 8. RULE OF CONSTRUCTION.**

24 Nothing in this Act shall be construed to—

(1) entitle any person to Federal benefits, including retirement benefits under chapter 83 or 84 of title 5, United States Code, and disability or death benefits under chapter 81 of such title;

5 (2) change the legal status of the former Air
6 America corporation or any affiliated company; or

7 (3) create any legal rights, benefits, or entitle
8 ments beyond the one-time award authorized by
this

9 Act.

10 **SEC. 9. ATTORNEYS' AND AGENTS' FEES.**

11 (a) **IN GENERAL.**—It shall be unlawful for more than 12
25 percent of an award paid pursuant to this Act to be

13 paid to, or received by, any agent or attorney for any serv-

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14 ice rendered to a person who receives an award under sec15
tion 4, in connection with the award under this Act.

16 (b) VIOLATION.—Any agent or attorney who violates 17
subsection (a) shall be fined under title 18, United States

18 Code.

19 **SEC. 10. NO JUDICIAL REVIEW.**

20 A determination by the Director pursuant to this Act
21 is final and conclusive and shall not be subject to
judicial
22 review.

23 **SEC. 11. REPORTS TO CONGRESS.**

24 Until the date that all funds available for awards
25 under this Act are expended, the Director shall submit
to

the appropriate congressional committees a semiannual
report describing the numbers of award payments made and
denied during the 180 days preceding the submission of the
report, including the rationales for any denials, and
5 if, at the determination of the Director, the amount of

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6 funds provided to carry out this Act are insufficient to

7 satisfy any remaining or anticipated claims.

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