

AMENDMENT TO RULES COMMITTEE PRINT 116-
22
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NEW YORK

At the end of title IV, add the following new section:

1 **SEC. 403. DEATH BENEFITS FOR SURVIVORS OF CENTRAL**
2 **INTELLIGENCE AGENCY PERSONNEL.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) officers of the Central Intelligence Agency
6 who die during a period of assignment to a duty sta-
7 tion in a foreign country should receive death bene-
8 fits, regardless of whether the officers—

9 (A) were killed on or off duty;

10 (B) were killed due to an act of terrorism;

11 or

12 (C) have surviving dependents;

13 (2) section 8 of the Central Intelligence Agency
14 Act of 1949 (50 U.S.C. 3510) has provided the
15 Agency an appropriate authority for compensating
16 officers who die abroad who fall into any gaps in ex-
17 isting death benefit regulations of the Agency, even
18 before the clarifying amendments made by this Act;

1 (3) notwithstanding that the improved authority
2 provided by section 11(c) of such Act (50 U.S.C.
3 3511(c)), as added by subsection (c) of this section,
4 is permissive, the Director of the Agency should
5 promptly use such authority to modify the regula-
6 tions on death benefits of the Agency to implement
7 such section 11(c);

8 (4) the Director should not modify such regula-
9 tions in a manner that limits or reduces the individ-
10 uals covered by such regulations as in effect on the
11 day before the date of the enactment of this Act;
12 and

13 (5) upon modifying such regulations, the Direc-
14 tor should submit such regulations to the congress-
15 sional intelligence committees pursuant to section
16 11(b) of such Act.

17 (b) CLARIFICATION OF CURRENT AUTHORITY.—Sec-
18 tion 8 of the Central Intelligence Agency Act of 1949 (50
19 U.S.C. 3510) is amended by inserting before “rental of”
20 the following: “payment of death benefits in cases in which
21 the circumstances of the death of an employee of the
22 Agency is not covered by section 11, other similar provi-
23 sions of Federal law, or any regulation issued by the Di-
24 rector providing death benefits, but that the Director de-
25 termines such payment appropriate;”.

1 (c) IMPROVEMENTS TO BENEFITS.—

2 (1) REQUIREMENTS.—Section 11 of such Act
3 (50 U.S.C. 3511) is amended by adding at the end
4 the following new subsections:

5 “(c) PAYMENTS.—(1) In carrying out subsection (a),
6 the Director may pay to the survivor of a deceased covered
7 individual an amount equal to one year’s salary at level
8 II of the Executive Schedule under section 5313 of title
9 5, United States Code.

10 “(2) A covered individual may designate one or more
11 persons to receive all or a portion of the amount payable
12 to a survivor under paragraph (1). The designation of a
13 person to receive a portion of the amount shall indicate
14 the percentage of the amount, to be specified only in 10
15 percent increments, that the designated person may re-
16 ceive. The balance of the amount, if any, shall be paid
17 in accordance with subsection (f)(2)(B).

18 “(d) EXCEPTION.—The Director may not make a
19 payment under subsection (a) if the Director determines
20 that the death was by reason of willful misconduct by the
21 decedent.

22 “(e) FINALITY.—Any determination made by the Di-
23 rector under this section is final and may not be reviewed.

24 “(f) DEFINITIONS.—In this section:

1 “(1) The term ‘covered individual’ means any of
2 the following individuals who die during a period of
3 assignment to a duty station in a foreign country,
4 regardless of whether the death is the result of inju-
5 ries sustained while in the performance of duty:

6 “(A) An employee of the Agency.

7 “(B) An employee of an element of the
8 Federal Government other than the Agency who
9 is detailed or assigned to the Agency at the
10 time of death.

11 “(C) An individual affiliated with the
12 Agency, as determined by the Director.

13 “(2) The term ‘State’ means each of the several
14 States, the District of Columbia, the Commonwealth
15 of Puerto Rico, the Commonwealth of the Northern
16 Mariana Islands, and any territory or possession of
17 the United States.

18 “(3) The term ‘survivor’ means, with respect to
19 the death of a covered individual—

20 “(A) a person designated by the covered
21 individual under subsection (c)(2); or

22 “(B) if a covered individual does not make
23 such a designation—

24 “(i) the surviving spouse of the cov-
25 ered individual, if any;

1 “(ii) if there is no surviving spouse,
2 any surviving children of the covered indi-
3 vidual and the descendants of any deceased
4 children by representation;

5 “(iii) if there is none of the above, the
6 surviving parents of the covered individual
7 or the survivor of the parents.

8 “(iv) if there is none of the above, the
9 duly-appointed executor or administrator
10 of the estate of the covered individual; or

11 “(v) if there is none of the above,
12 other next of kin of the covered individual
13 entitled under the laws of the last State in
14 which the covered individual was domiciled
15 before the covered individual’s death.”.

16 (2) APPLICATION.—Section 11 of such Act, as
17 amended by paragraph (1), shall apply with respect
18 to the following:

19 (A) Deaths occurring during the period be-
20 ginning on September 11, 2001, and ending on
21 the day before the date of the enactment of this
22 Act for which the Director of the Central Intel-
23 ligence Agency has not paid a death benefit to
24 the survivors of the decedent equal to or greater
25 than the amount specified in subsection (c)(1)

1 of such section 11, except that the total of any
2 such death benefits may not exceed such
3 amount specified in subsection (c)(1) of such
4 section 11.

5 (B) Deaths occurring on or after the date
6 of the enactment of this Act.

7 (3) DESIGNATIONS.—If the Director carries out
8 subsection (c) of section 11 of such Act, as added
9 by paragraph (1), the Director shall—

10 (A) request all covered individuals (as de-
11 fined in such section 11) to make a designation
12 under paragraph (2) of such subsection (c); and

13 (B) ensure that any new covered individual
14 may make such a designation at the time at
15 which the individual becomes a covered indi-
16 vidual.

17 (d) BRIEFING ON PROVISION OF VA AND DOD
18 HEALTH CARE SERVICES TO CIA OFFICERS.—

19 (1) FINDINGS.—Congress finds that officers of
20 the Central Intelligence Agency—

21 (A) serve, and have served, overseas in
22 dangerous areas or austere environments;

23 (B) may be wounded, incur brain or psy-
24 chological trauma, or suffer from other chronic
25 injuries as a result of such service; and

1 (C) face challenges in getting the expert
2 medical and psychological care the officers need
3 when the officers return to the United States.

4 (2) REQUIREMENT.—Not later than 180 days
5 after the date of the enactment of this Act, the Gen-
6 eral Counsel of the Central Intelligence Agency and
7 the Deputy Director of the Agency for Operations,
8 in coordination with the Under Secretary of Vet-
9 erans Affairs for Health and the Director of the De-
10 fense Health Agency of the Department of Defense,
11 shall jointly provide to the appropriate congressional
12 committees a briefing on—

13 (A) the extent to which the Director of the
14 Agency believes that the officers of the Agency
15 could benefit from health care services provided
16 by the Secretary of Veterans Affairs, the Sec-
17 retary of Defense, or both;

18 (B) the legal and policy constraints with
19 respect to providing such services to such offi-
20 cers; and

21 (C) recommendations with respect to the
22 legislative or regulatory actions that Congress,
23 the Secretary of Veterans Affairs, and the Sec-
24 retary of Defense could implement to facilitate
25 the provision of such services.

1 (3) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES DEFINED.—In this subsection, the term “ap-
3 propriate congressional committees” means—

4 (A) the congressional intelligence commit-
5 tees;

6 (B) the Committee on Armed Services and
7 the Committee on Veterans’ Affairs of the
8 House of Representatives; and

9 (C) the Committee on Armed Services and
10 the Committee on Veterans’ Affairs of the Sen-
11 ate.

