AMENDMENT TO RULES COMMITTEE PRINT 116-22

OFFERED BY MR. SEAN PATRICK MALONEY OF NEW YORK

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

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

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) officers of the Central Intelligence Agency who die during a period of assignment to a duty station in a foreign country should receive death benefits, regardless of whether the officers—

(A) were killed on or off duty;

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

or

(C) have surviving dependents;

(2) section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3510) has provided the Agency an appropriate authority for compensating officers who die abroad who fall into any gaps in existing death benefit regulations of the Agency, even before the clarifying amendments made by this Act;
(3) notwithstanding that the improved authority provided by section 11(c) of such Act (50 U.S.C. 3511(c)), as added by subsection (c) of this section, is permissive, the Director of the Agency should promptly use such authority to modify the regulations on death benefits of the Agency to implement such section 11(c);

(4) the Director should not modify such regulations in a manner that limits or reduces the individuals covered by such regulations as in effect on the day before the date of the enactment of this Act; and

(5) upon modifying such regulations, the Director should submit such regulations to the congressional intelligence committees pursuant to section 11(b) of such Act.

(b) CLARIFICATION OF CURRENT AUTHORITY.—Section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3510) is amended by inserting before “rental of” the following: “payment of death benefits in cases in which the circumstances of the death of an employee of the Agency is not covered by section 11, other similar provisions of Federal law, or any regulation issued by the Director providing death benefits, but that the Director determines such payment appropriate;”.
(c) **Improvements to Benefits.**—

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

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

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

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

“(e) Finality.—Any determination made by the Director under this section is final and may not be reviewed.

“(f) Definitions.—In this section:
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“(1) The term ‘covered individual’ means any of the following individuals who die during a period of assignment to a duty station in a foreign country, regardless of whether the death is the result of injuries sustained while in the performance of duty:

“(A) An employee of the Agency.

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

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

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

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

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

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

“(i) the surviving spouse of the covered individual, if any;
“(ii) if there is no surviving spouse,
any surviving children of the covered individual and the descendants of any deceased children by representation;
“(iii) if there is none of the above, the surviving parents of the covered individual or the survivor of the parents.
“(iv) if there is none of the above, the duly-appointed executor or administrator of the estate of the covered individual; or
“(v) if there is none of the above, other next of kin of the covered individual entitled under the laws of the last State in which the covered individual was domiciled before the covered individual’s death.”.

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

(A) Deaths occurring during the period beginning on September 11, 2001, and ending on the day before the date of the enactment of this Act for which the Director of the Central Intelligence Agency has not paid a death benefit to the survivors of the decedent equal to or greater than the amount specified in subsection (c)(1)
of such section 11, except that the total of any such death benefits may not exceed such amount specified in subsection (c)(1) of such section 11.

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

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

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

(B) ensure that any new covered individual may make such a designation at the time at which the individual becomes a covered individual.

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

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

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

(B) may be wounded, incur brain or psychological trauma, or suffer from other chronic injuries as a result of such service; and
(C) face challenges in getting the expert medical and psychological care the officers need when the officers return to the United States.

(2) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the General Counsel of the Central Intelligence Agency and the Deputy Director of the Agency for Operations, in coordination with the Under Secretary of Veterans Affairs for Health and the Director of the Defense Health Agency of the Department of Defense, shall jointly provide to the appropriate congressional committees a briefing on—

(A) the extent to which the Director of the Agency believes that the officers of the Agency could benefit from health care services provided by the Secretary of Veterans Affairs, the Secretary of Defense, or both;

(B) the legal and policy constraints with respect to providing such services to such officers; and

(C) recommendations with respect to the legislative or regulatory actions that Congress, the Secretary of Veterans Affairs, and the Secretary of Defense could implement to facilitate the provision of such services.
(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

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

(C) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate.