

AMENDMENT TO RULES COMMITTEE PRINT

118-36

OFFERED BY MR. GROTHMAN OF WISCONSIN

Add at the end of title XI of division A the following:

1 Subtitle B—Air America Act of 2023

2 SEC. 1121. SHORT TITLE.

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

5 SEC. 1122. FINDINGS.

6 Congress finds the following:

7 (1) Air America and its affiliated companies, in
8 coordination with the Central Intelligence Agency,
9 provided direct and indirect support to the United
10 States Government from 1950 to 1976.

11 (2) The service and sacrifice of employees of
12 Air America included—

13 (A) suffering a high rate of casualties in
14 the course of service;

15 (B) saving thousands of lives in search and
16 rescue missions for downed United States air-
17 men and allied refugee evacuations; and

1 (C) serving lengthy periods under chal-
2 lenging circumstances abroad.

3 **SEC. 1123. DEFINITIONS.**

4 In this subtitle:

5 (1) **AFFILIATED COMPANY.**—The term “affili-
6 ated company”, with respect to Air America, in-
7 cludes Air Asia Company Limited, CAT Incor-
8 porated, Civil Air Transport Company Limited, and
9 the Pacific Division of Southern Air Transport.

10 (2) **AIR AMERICA.**—The term “Air America”
11 means Air America, Incorporated.

12 (3) **APPROPRIATE CONGRESSIONAL COMMIT-**
13 **TEES.**—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Homeland Security
16 and Governmental Affairs, the Select Com-
17 mittee on Intelligence, and the Committee on
18 Appropriations of the Senate; and

19 (B) the Committee on Oversight and Ac-
20 countability, the Permanent Select Committee
21 on Intelligence, and the Committee on Appro-
22 priations of the House of Representatives.

23 (4) **CHILD; DEPENDENT; WIDOW; WIDOWER.**—
24 The terms “child”, “dependent”, “widow”, and
25 “widower” have the meanings given those terms in

1 section 8341(a) of title 5, United States Code, ex-
2 cept that section shall be applied by substituting
3 “individual who performed qualifying service” for
4 “employee or Member”.

5 (5) COVERED DECEDENT.—The term “covered
6 decedent” means an individual who was killed in
7 Southeast Asia while supporting operations of the
8 Central Intelligence Agency during the period begin-
9 ning on January 1, 1950, and ending on December
10 31, 1976, as a United States citizen employee of Air
11 America or an affiliated company.

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

14 (7) QUALIFYING SERVICE.—The term “quali-
15 fying service” means service that—

16 (A) was performed by a United States cit-
17 izen as an employee of Air America or an affili-
18 ated company during the period beginning on
19 January 1, 1950, and ending on December 31,
20 1976; and

21 (B) is documented in—

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

24 (ii) records possessed by the United
25 States Government; or

1 (iii) the personal records of a former
2 employee of Air America or an affiliated
3 company that are verified by the United
4 States Government.

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

6 (A) the widow or widower of—

7 (i) an individual who performed quali-
8 fying service; or

9 (ii) a covered decedent; or

10 (B) an individual who, at any time during
11 or since the period of qualifying service, or on
12 the date of death of a covered decedent, was a
13 dependent or child of—

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

16 (ii) the covered decedent.

17 **SEC. 1124. AWARD AUTHORIZED TO ELIGIBLE PERSONS.**

18 (a) IN GENERAL.—Subject to the limitation in sub-
19 section (d), the Director shall provide an award payment
20 of \$40,000 under this section—

21 (1) to an individual who performed qualifying
22 service for a period of greater than or equal to 5
23 years or to a survivor of such individual; or

24 (2) to the survivor of a covered decedent.

25 (b) REQUIREMENTS.—

1 (1) IN GENERAL.—To be eligible for a payment
2 under this subsection, an individual who performed
3 qualifying service or survivor (as the case may be)
4 must demonstrate to the satisfaction of the Director
5 that the individual whose qualifying service upon
6 which the payment is based meets the criteria of
7 paragraph (1) or (2) of subsection (a).

8 (2) RELIANCE ON RECORDS.—In carrying out
9 this subsection, in addition to any evidence provided
10 by such an individual or survivor, the Director may
11 rely on records possessed by the United States Gov-
12 ernment.

13 (c) ADDITIONAL PAYMENT.—If an individual, or in
14 the case of a survivor, the individual whose qualifying
15 service upon which the payment is based, can demonstrate
16 to the Director that the qualifying service of the individual
17 exceeded 5 years, the Director shall pay to such individual
18 or survivor an additional \$8,000 for each full year in ex-
19 cess of 5 years (and a proportionate amount for a partial
20 year).

21 (d) SURVIVORS.—In the case of an award granted to
22 a survivor under this section, the payment shall be made—
23 (1) to the surviving widow or widower; or
24 (2) if there is no surviving widow or widower,
25 to the surviving dependent or child, in equal shares.

1 **SEC. 1125. FUNDING LIMITATION.**

2 (a) IN GENERAL.—The total amount of awards
3 granted under this subtitle may not exceed \$60,000,000.

4 (b) REQUESTS FOR ADDITIONAL FUNDS.—If, at the
5 determination of the Director, the amount of funds re-
6 quired to satisfy all valid applications for payment under
7 this subtitle exceeds the limitation set forth in subsection
8 (a), the Director shall submit to Congress a request for
9 sufficient funds to fulfill all remaining payments.

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

15 **SEC. 1126. TIME LIMITATION.**

16 (a) IN GENERAL.—To be eligible for an award pay-
17 ment under this subtitle, a claimant must file a claim for
18 such payment with the Director not later than 2 years
19 after the effective date of the regulations prescribed by
20 the Director in accordance with section 1127.

21 (b) DETERMINATION.—Not later than 90 days after
22 receiving a claim for an award payment under this section,
23 the Director shall determine the eligibility of the claimant
24 for payment.

25 (c) PAYMENT.—

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

5 (2) LUMP-SUM PAYMENT.—The Director shall
6 issue each payment as a one-time lump sum pay-
7 ment contingent upon the timely filing of the claim-
8 ant under this section.

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

13 **SEC. 1127. APPLICATION PROCEDURES.**

14 (a) IN GENERAL.—The Director shall prescribe pro-
15 cedures to carry out this subtitle, which shall include proc-
16 esses under which—

17 (1) claimants may submit claims for payment
18 under this subtitle;

19 (2) the Director will award the amounts under
20 section 1124; and

21 (3) claimants can obtain redress and appeal de-
22 terminations under section 1126.

23 (b) OTHER MATTERS.—Such procedures—

24 (1) shall be—

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

3 (B) published in the Code of Federal Reg-
4 ulations; and

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

7 **SEC. 1128. RULE OF CONSTRUCTION.**

8 Nothing in this subtitle shall be construed to—

9 (1) entitle any person to Federal benefits, in-
10 cluding retirement benefits under chapter 83 or 84
11 of title 5, United States Code, and disability or
12 death benefits under chapter 81 of such title;

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

15 (3) create any legal rights, benefits, or entitle-
16 ments beyond the one-time award authorized by this
17 subtitle.

18 **SEC. 1129. ATTORNEYS' AND AGENTS' FEES.**

19 (a) IN GENERAL.—It shall be unlawful for more than
20 25 percent of an award paid pursuant to this subtitle to
21 be paid to, or received by, any agent or attorney for any
22 service rendered to a person who receives an award under
23 **【section 4】**, in connection with the award under this sub-
24 title.

1 (b) VIOLATION.—Any agent or attorney who violates
2 subsection (a) shall be fined under title 18, United States
3 Code.

4 **SEC. 1130. NO JUDICIAL REVIEW.**

5 A determination by the Director pursuant to this sub-
6 title is final and conclusive and shall not be subject to judi-
7 cial review.

8 **SEC. 1131. REPORTS TO CONGRESS.**

9 Until the date that all funds available for awards
10 under this subtitle are expended, the Director shall submit
11 to the appropriate congressional committees a semiannual
12 report describing the numbers of award payments made
13 and denied during the 180 days preceding the submission
14 of the report, including the rationales for any denials, and
15 if, at the determination of the Director, the amount of
16 funds provided to carry out this subtitle are insufficient
17 to satisfy any remaining or anticipated claims.

