

118TH CONGRESS  
1ST SESSION

# S. 3047

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

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IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2023

Mr. RUBIO (for himself, Mr. WARNER, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

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## 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 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 “Air America Act of  
5 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Air America and its affiliated companies, in  
9 coordination with the Central Intelligence Agency,

1 provided direct and indirect support to the United  
2 States Government from 1950 to 1976.

3 (2) The service and sacrifice of employees of  
4 Air America included—

5 (A) suffering a high rate of casualties in  
6 the course of service;

7 (B) saving thousands of lives in search and  
8 rescue missions for downed United States air-  
9 men and allied refugee evacuations; and

10 (C) serving lengthy periods under chal-  
11 lenging circumstances abroad.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) **AFFILIATED COMPANY.**—The term “affili-  
15 ated company”, with respect to Air America, in-  
16 cludes Air Asia Company Limited, CAT Incor-  
17 porated, Civil Air Transport Company Limited, and  
18 the Pacific Division of Southern Air Transport.

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

21 (3) **APPROPRIATE CONGRESSIONAL COMMIT-**  
22 **TEES.**—The term “appropriate congressional com-  
23 mittees” means—

24 (A) the Committee on Homeland Security  
25 and Governmental Affairs, the Select Com-

1           mittee on Intelligence, and the Committee on  
2           Appropriations of the Senate; and

3                   (B) the Committee on Oversight and Ac-  
4                   countability, the Permanent Select Committee  
5                   on Intelligence, and the Committee on Appro-  
6                   priations of the House of Representatives.

7           (4) CHILD; DEPENDENT; WIDOW; WIDOWER.—  
8           The terms “child”, “dependent”, “widow”, and  
9           “widower” have the meanings given those terms in  
10           section 8341(a) of title 5, United States Code, ex-  
11           cept that section shall be applied by substituting  
12           “individual who performed qualifying service” for  
13           “employee or Member”.

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

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

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

1 (A) was performed by a United States cit-  
2 izen as an employee of Air America or an affili-  
3 ated company during the period beginning on  
4 January 1, 1950, and ending on December 31,  
5 1976; and

6 (B) is documented in—

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

9 (ii) records possessed by the United  
10 States Government; or

11 (iii) the personal records of a former  
12 employee of Air America or an affiliated  
13 company that are verified by the United  
14 States Government.

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

16 (A) the widow or widower of—

17 (i) an individual who performed quali-  
18 fying service; or

19 (ii) a covered decedent; or

20 (B) an individual who, at any time during  
21 or since the period of qualifying service, or on  
22 the date of death of a covered decedent, was a  
23 dependent or child of—

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

1 (ii) the covered decedent.

2 **SEC. 4. AWARD AUTHORIZED TO ELIGIBLE PERSONS.**

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

6 (1) to an individual who performed qualifying  
7 service for a period of greater than or equal to 5  
8 years or to a survivor of such individual; or

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

10 (b) REQUIREMENTS.—

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

18 (2) RELIANCE ON RECORDS.—In carrying out  
19 this subsection, in addition to any evidence provided  
20 by such an individual or survivor, the Director may  
21 rely on records possessed by the United States Gov-  
22 ernment.

23 (c) ADDITIONAL PAYMENT.—If an individual, or in  
24 the case of a survivor, the individual whose qualifying  
25 service upon which the payment is based, can demonstrate

1 to the Director that the qualifying service of the individual  
2 exceeded 5 years, the Director shall pay to such individual  
3 or survivor an additional \$8,000 for each full year in ex-  
4 cess of 5 years (and a proportionate amount for a partial  
5 year).

6 (d) SURVIVORS.—In the case of an award granted to  
7 a survivor under this section, the payment shall be made—

8 (1) to the surviving widow or widower; or

9 (2) if there is no surviving widow or widower,  
10 to the surviving dependent or child, in equal shares.

11 **SEC. 5. FUNDING LIMITATION.**

12 (a) IN GENERAL.—The total amount of awards  
13 granted under this Act may not exceed \$60,000,000.

14 (b) REQUESTS FOR ADDITIONAL FUNDS.—If, at the  
15 determination of the Director, the amount of funds re-  
16 quired to satisfy all valid applications for payment under  
17 this Act exceeds the limitation set forth in subsection (a),  
18 the Director shall submit to Congress a request for suffi-  
19 cient funds to fulfill all remaining payments.

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

1 **SEC. 6. TIME LIMITATION.**

2 (a) IN GENERAL.—To be eligible for an award pay-  
3 ment under this Act, a claimant must file a claim for such  
4 payment with the Director not later than 2 years after  
5 the effective date of the regulations prescribed by the Di-  
6 rector in accordance with section 7.

7 (b) DETERMINATION.—Not later than 90 days after  
8 receiving a claim for an award payment under this section,  
9 the Director shall determine the eligibility of the claimant  
10 for payment.

11 (c) PAYMENT.—

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

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

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

1 **SEC. 7. APPLICATION PROCEDURES.**

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

5 (1) claimants may submit claims for payment  
6 under this Act;

7 (2) the Director will award the amounts under  
8 section 4; and

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

11 (b) OTHER MATTERS.—Such procedures—

12 (1) shall be—

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

15 (B) published in the Code of Federal Reg-  
16 ulations; and

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

19 **SEC. 8. RULE OF CONSTRUCTION.**

20 Nothing in this Act shall be construed to—

21 (1) entitle any person to Federal benefits, in-  
22 cluding retirement benefits under chapter 83 or 84  
23 of title 5, United States Code, and disability or  
24 death benefits under chapter 81 of such title;

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



1           (3) create any legal rights, benefits, or entitle-  
2           ments beyond the one-time award authorized by this  
3           Act.

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

5           (a) IN GENERAL.—It shall be unlawful for more than  
6   25 percent of an award paid pursuant to this Act to be  
7   paid to, or received by, any agent or attorney for any serv-  
8   ice rendered to a person who receives an award under sec-  
9   tion 4, in connection with the award under this Act.

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

13   **SEC. 10. NO JUDICIAL REVIEW.**

14          A determination by the Director pursuant to this Act  
15   is final and conclusive and shall not be subject to judicial  
16   review.

17   **SEC. 11. REPORTS TO CONGRESS.**

18          Until the date that all funds available for awards  
19   under this Act are expended, the Director shall submit to  
20   the appropriate congressional committees a semiannual re-  
21   port describing the numbers of award payments made and  
22   denied during the 180 days preceding the submission of  
23   the report, including the rationales for any denials, and  
24   if, at the determination of the Director, the amount of

- 1 funds provided to carry out this Act are insufficient to
- 2 satisfy any remaining or anticipated claims.

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