

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO S. 407  
OFFERED BY MRS. CAROLYN B. MALONEY OF  
NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Air America Act of  
3 2022”.

**4 SEC. 2. AIR AMERICA.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Air America, Incorporated (referred to in  
7 this section as “Air America”) and its related cover  
8 corporate entities provided direct and indirect sup-  
9 port to Central Intelligence Agency (CIA) oper-  
10 ations, airdropping thousands of tons of food, evacu-  
11 ating civilians, rescuing downed aircrews, and flying  
12 emergency medical evacuations throughout South-  
13 east Asia from 1950 to 1976.

14 (2) The employees of Air America working in  
15 Southeast Asia performed vital service in support of  
16 the United States and performed their missions

1       swiftly and courageously during the Vietnam War,  
2       including—

3               (A) suffering high rates of casualties in the  
4       course of service;

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

8               (C) serving lengthy periods under chal-  
9       lenging circumstances abroad.

10       (3) It is the sense of Congress that the employ-  
11       ees of Air America who supported CIA operations in  
12       Southeast Asia from 1950 to 1976 should be award-  
13       ed a financial award in honor of their patriotism,  
14       service, and sacrifice to the United States of Amer-  
15       ica.

16       (b) DEFINITIONS.—In this section—

17               (1) the term “affiliated company”, with respect  
18       to Air America, includes Air Asia Company Limited,  
19       CAT Incorporated, Civil Air Transport Company  
20       Limited, and the Pacific Division of Southern Air  
21       Transport;

22               (2) the term “qualifying service” means service  
23       that—

24               (A) was performed in Southeast Asia by a  
25       United States citizen as an employee of Air

1           America or an affiliated company who sup-  
2           ported CIA operations as air crew in Southeast  
3           Asia and who performed dangerous missions  
4           during the period beginning on January 1,  
5           1950, and ending on December 31, 1976; and

6                   (B) is documented in records possessed by  
7           the United States Government; and

8           (3) the term “Director” means the Director of  
9           the Central Intelligence Agency.

10          (c) AWARD AUTHORIZED TO ELIGIBLE PERSONS.—

11           (1) IN GENERAL.—Subject to the limitation in  
12          subsection (d), the Director shall make an award  
13          payment of \$35,000 under this section to a person  
14          who demonstrates to the satisfaction of the Director  
15          that he or she has performed qualifying service for  
16          a period of greater than or equal to five years, pro-  
17          vided that the Director may also rely on records pos-  
18          sessed by the United States Government to verify a  
19          person’s qualifying services. If a person can dem-  
20          onstrate to the Director that his or her qualifying  
21          service exceeded five years, the Director may pay an  
22          additional \$7,500 for each full year in excess of five  
23          (and a proportionate amount for a partial year), but  
24          the total amount awarded to, or with respect to, a  
25          person under this section may not exceed \$75,000.

1           (2) SURVIVORS.—In the case of a decedent who  
2           would have been eligible for an award payment  
3           under paragraph (1) if alive, the award under this  
4           section shall be made to the surviving spouse, or if  
5           there is no surviving spouse, to the surviving chil-  
6           dren (including natural children and adopted chil-  
7           dren) of the decedent, in equal shares.

8           (d) FUNDING LIMITATION.—The total amount of  
9           awards granted under this section may not exceed  
10          \$40,000,000.

11          (e) TIME LIMITATIONS.—

12           (1) IN GENERAL.—To be eligible for an award  
13           under this section, a claimant must file a claim for  
14           the award with the Director within 24 months of the  
15           effective date of the regulations implementing this  
16           section.

17           (2) DETERMINATION.—Not later than 6  
18           months after receiving a claim for an award under  
19           this section, the Director shall determine the eligi-  
20           bility of the claimant for payment of the claim. If  
21           the Director determines that the claimant is eligible  
22           for the award, the Director shall promptly pay the  
23           award.

24           (f) REGULATIONS.—The Director shall prescribe reg-  
25           ulations to carry out this section. Such regulations shall

1 include procedures by which persons may submit claims  
2 for payment under this section and by which the Director  
3 will equitably award the amounts under subsection (c)(1)  
4 to eligible persons whose qualifying service exceeded five  
5 years. Such regulations shall be prescribed not later than  
6 two months after the date of the enactment of this Act.  
7 Such regulations shall be published in the Code of Federal  
8 Regulations, but such regulations shall not be subject to  
9 chapter 5 of title 5, United States Code.

10 (g) RULE OF CONSTRUCTION.—Nothing in this Act  
11 shall be construed to—

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

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

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

21 (h) ATTORNEYS' AND AGENTS' FEES.—

22 (1) IN GENERAL.—It shall be unlawful for more  
23 than 10 percent of an award paid pursuant to this  
24 Act to be paid to, or received by, any agent or attor-  
25 ney for any service rendered to a person who re-

1 ceives an award under subsection (c) in connection  
2 with the award under this Act.

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

6 (i) NO RIGHT TO JUDICIAL REVIEW.—Except for a  
7 fine under subsection (h)(2)—

8 (1) all determinations by the Director pursuant  
9 to this section are final and conclusive, notwith-  
10 standing any other provision of law; and

11 (2) claimants under this section have no right  
12 to judicial review, and such review is specifically pre-  
13 cluded.

14 (j) REPORTS TO CONGRESS.—Until the date that all  
15 funds available for awards under this section are ex-  
16 pended, the Director shall submit annually, to the Com-  
17 mittee on Oversight and Reform and the Permanent Select  
18 Committee on Intelligence in the House of Representatives  
19 and the Committee on Homeland Security and Govern-  
20 mental Affairs and Select Committee on Intelligence in the  
21 Senate, a report listing the numbers of award payments  
22 made and denied during the calendar year preceding the  
23 submission of the report, including the rationales for any  
24 denials.

