

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 407

To provide redress to the employees of Air America.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PORTMAN

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Air America Act of
5 2022”.

6 **SEC. 2. AIR AMERICA.**

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

8 (1) Air America, Incorporated (referred to in
9 this section as “Air America”) and its related cover
10 corporate entities were wholly owned and controlled
11 by the United States Government and directed and
12 managed by the Department of Defense, the Depart-

1 ment of State, and the Central Intelligence Agency
2 from 1950 to 1976.

3 (2) Air America, a corporation owned by the
4 Government of the United States, constituted a
5 “Government corporation”, as defined in section 103
6 of title 5, United States Code.

7 (3) The service and sacrifice of the employees
8 of Air America included—

9 (A) suffering a high rate of casualties in
10 the course of employment;

11 (B) saving thousands of lives in search and
12 rescue missions for downed United States air-
13 men and allied refugee evacuations; and

14 (C) lengthy periods of service in chal-
15 lenging circumstances abroad.

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 by a United States cit-
25 izen as an employee of Air America or an affili-

1 ated company during the period beginning on
2 January 1, 1950, and ending on December 31,
3 1976; and

4 (B) is documented in the attorney-certified
5 corporate records of Air America or any affili-
6 ated company;

7 (3) the term “survivor”, with respect to an indi-
8 vidual who performed qualifying service, means—

9 (A) a widow or widower of the individual
10 who performed qualifying service; or

11 (B) an individual who, at any time during
12 or since the period of qualifying service, was a
13 dependent or child of the individual who per-
14 formed qualifying service; and

15 (4) the terms “widow”, “widower”, “depend-
16 ent”, and “child” have the meanings given those
17 terms in section 8341(a) of title 5, United States
18 Code, except that that section shall be applied by
19 substituting “individual who performed qualifying
20 service” for “employee or Member”.

21 (c) CREDITABLE SERVICE.—Any period of qualifying
22 service shall be treated as creditable service for purposes
23 of subchapter III of chapter 83 of title 5, United States
24 Code.

25 (d) RIGHTS.—

1 (1) IN GENERAL.—An individual who performed
2 qualifying service or a survivor of such an indi-
3 vidual—

4 (A) shall be entitled to the rights, retro-
5 active as applicable, provided to employees and
6 their survivors for creditable service under the
7 Civil Service Retirement System under sub-
8 chapter III of chapter 83 of title 5, United
9 States Code, with respect to that qualifying
10 service; and

11 (B) may submit an application for benefits
12 based on the qualifying service to the Office of
13 Personnel Management not later than 2 years
14 after the effective date under section 2(f) of
15 this Act.

16 (2) INDIVIDUALS DECEASED BEFORE DATE OF
17 ENACTMENT.—A survivor of an individual who per-
18 formed qualifying service and became eligible, by
19 reason of this Act, for benefits based on the quali-
20 fying service under subchapter III of chapter 83 of
21 title 5, United States Code (but became deceased be-
22 fore the date of enactment of this Act)—

23 (A) may submit an application for benefits
24 based on the qualifying service to the Office of
25 Personnel Management not later than 2 years

1 after the effective date under section 2(f) of
2 this Act, disregarding any requirement that an
3 employee have filed an application while living;
4 and

5 (B) upon submission of the application
6 under subparagraph (A) shall be eligible for a
7 survivor annuity under section 8341 of title 5,
8 United States Code, equal to 55 percent (or 50
9 percent if the deceased individual retired before
10 October 11, 1962) of the rate of the self-only
11 annuity that otherwise would have been paid to
12 the deceased individual.

13 (e) DEDUCTION, CONTRIBUTION, AND DEPOSIT RE-
14 QUIREMENTS.—The deposit of funds in the Treasury of
15 the United States made by Air America in the form of
16 a lump-sum payment apportioned in part to the Civil Serv-
17 ice Disability and Retirement Fund in 1976 is deemed to
18 satisfy the deduction, contribution, and deposit require-
19 ments under section 8334 of title 5, United States Code,
20 with respect to all periods of qualifying service.

21 (f) EFFECTIVE DATE.—This section shall take effect
22 on the date that is 30 days after the date of enactment
23 of this Act.

24 (g) RULE OF CONSTRUCTION.—Nothing in this Act
25 shall be construed to set any type of precedent for pur-

- 1 poses of civil service retirement credit with the Civil Serv-
- 2 ice Retirement and Disability Fund or any successor fund.