

116TH CONGRESS
1ST SESSION

H. R. 3683

To amend the Central Intelligence Agency Act of 1949 to provide death benefits to the survivors of certain individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2019

Mr. SEAN PATRICK MALONEY of New York introduced the following bill;
which was referred to the Permanent Select Committee on Intelligence

A BILL

To amend the Central Intelligence Agency Act of 1949 to provide death benefits to the survivors of certain individuals, 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 “Gregg Wenzel Clandes-

5 tine Heroes Parity Act”.

6 **SEC. 2. DEATH BENEFITS FOR SURVIVORS.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-

8 gress that—

9 (1) officers of the Central Intelligence Agency

10 who die during a period of assignment to a duty sta-

1 tion in a foreign country should receive death bene-
2 fits, regardless of whether the officers—

3 (A) were killed in the performance of duty;

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

5 or

6 (C) have surviving dependents; and

7 (2) section 8 of the Central Intelligence Agency
8 Act of 1949 (50 U.S.C. 3510) has provided the
9 Agency an appropriate authority for compensating
10 officers who die abroad who fall into any gaps in ex-
11 isting death benefit regulations of the Agency, even
12 before the clarifying amendments made by this Act.

13 (b) CLARIFICATION OF CURRENT AUTHORITY.—Sec-
14 tion 8 of the Central Intelligence Agency Act of 1949 (50
15 U.S.C. 3510) is amended by inserting before “rental of”
16 the following: “payment of death benefits in cases in which
17 the circumstances of the death of an employee of the
18 Agency is not covered by section 11, other similar provi-
19 sions of Federal law, or any regulation issued by the Di-
20 rector providing death benefits, but that the Director de-
21 termines such payment appropriate;”.

22 (c) IMPROVEMENTS TO BENEFITS.—

23 (1) REQUIREMENTS.—Section 11 of such Act
24 (50 U.S.C. 3511) is amended—

25 (A) in subsection (a)—

1 (i) by striking “may” and inserting
2 “shall”; and

3 (ii) by inserting before the period at
4 the end the following: “, except such ad-
5 justments may not limit or reduce the pay-
6 ments required by this section”; and

7 (B) by adding at the end the following new
8 subsections:

9 “(c) PAYMENTS.—(1) In carrying out subsection (a),
10 the Director shall pay to the survivor of a deceased cov-
11 ered individual an amount equal to one year’s salary at
12 level II of the Executive Schedule under section 5313 of
13 title 5, United States Code.

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

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

1 “(e) FINALITY.—Any determination made by the Di-
2 rector under this section is final and may not be reviewed.

3 “(f) DEFINITIONS.—In this section:

4 “(1) The term ‘covered individual’ means any of
5 the following individuals who die during a period of
6 assignment to a duty station in a foreign country,
7 regardless of whether the death is the result of inju-
8 ries sustained while in the performance of duty:

9 “(A) An employee of the Agency.

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

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

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

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

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

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

3 “(i) the surviving spouse of the cov-
4 ered individual, if any;

5 “(ii) if there is no surviving spouse,
6 any surviving children of the covered indi-
7 vidual and the descendants of any deceased
8 children by representation;

9 “(iii) if there is none of the above, the
10 surviving parents of the covered individual
11 or the survivor of the parents;

12 “(iv) if there is none of the above, the
13 duly appointed executor or administrator
14 of the estate of the covered individual; or

15 “(v) if there is none of the above,
16 other next of kin of the covered individual
17 entitled under the laws of the last State in
18 which the covered individual was domiciled
19 before the covered individual’s death.”.

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

23 (A) Deaths occurring during the period be-
24 ginning on September 11, 2001, and ending on
25 the day before the date of the enactment of this

1 Act for which the Director of the Central Intel-
2 ligence Agency has not paid a death benefit to
3 the survivors of the decedent equal to or greater
4 than the amount specified in subsection (c)(1)
5 of such section 11, except that the total of any
6 such death benefits may not exceed such
7 amount specified in subsection (c)(1) of such
8 section 11.

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

11 (3) EFFECT OF CURRENT REGULATIONS.—In
12 carrying out section 11 of such Act, as amended by
13 paragraph (1), the Director may not modify the reg-
14 ulations issued under such section in a manner that
15 limits or reduces the individuals covered by such reg-
16 ulations as in effect on the day before the date of
17 the enactment of this Act.

18 (4) DESIGNATIONS.—Not later than 180 days
19 after the date of the enactment of this Act, the Di-
20 rector shall—

21 (A) request all covered individuals (as de-
22 fined in section 11 of such Act, as amended by
23 paragraph (1)) to make a designation under
24 subsection (c)(2) of such section 11; and

1 (B) ensure that any new covered individual
2 may make such a designation at the time at
3 which the individual becomes a covered indi-
4 vidual.

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