

116TH CONGRESS
2D SESSION

S. 4380

To provide redress to the employees of Air America.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2020

Mr. RUBIO (for himself, Mr. WARNER, Mr. JONES, Mr. ROUNDS, Mr. CASIDY, Ms. ROSEN, Mr. CASEY, Mr. CARDIN, Mrs. MURRAY, Ms. CORTEZ MASTO, Mr. CORNYN, Ms. BALDWIN, Ms. KLOBUCHAR, Mr. COTTON, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide redress to the employees of Air America.

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 2020”.

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

1 by the United States Government and directed and
2 managed by the Department of Defense, the Depart-
3 ment of State, and the Central Intelligence Agency
4 from 1950 to 1976.

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

9 (3) It is established that the employees of Air
10 America and the other entities described in para-
11 graph (1) were Federal employees.

12 (4) The employees of Air America were retro-
13 actively excluded from the definition of the term
14 “employee” under section 2105 of title 5, United
15 States Code, on the basis of an administrative policy
16 change in paperwork requirements implemented by
17 the Office of Personnel Management 10 years after
18 the service of the employees had ended and, by ex-
19 tension, were retroactively excluded from the defini-
20 tion of the term “employee” under section 8331 of
21 title 5, United States Code, for retirement credit
22 purposes.

23 (5) The employees of Air America were paid as
24 Federal employees, with salaries subject to—

1 (A) the General Schedule under subchapter
 2 III of chapter 53 of title 5, United States Code;
 3 and

4 (B) the rates of basic pay payable to mem-
 5 bers of the Armed Forces.

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

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

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

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

15 (b) DEFINITIONS.—In this section—

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

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

23 (A) was performed by a United States cit-
 24 izen as an employee of Air America or an affili-
 25 ated company during the period beginning on

1 January 1, 1950, and ending on December 31,
2 1976; and

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

6 (c) TREATMENT AS FEDERAL EMPLOYMENT.—Any
7 period of qualifying service—

8 (1) is deemed to have been service of an em-
9 ployee (as defined in section 2105 of title 5, United
10 States Code) with the Federal Government; and

11 (2) shall be treated as creditable service by an
12 employee for purposes of subchapter III of chapter
13 83 of title 5, United States Code.

14 (d) RIGHTS.—An individual who performed quali-
15 fying service, or a survivor of such an individual, shall be
16 entitled to the rights, retroactive as applicable, provided
17 to employees and their survivors for creditable service
18 under the Civil Service Retirement System under sub-
19 chapter III of chapter 83 of title 5, United States Code,
20 with respect to that qualifying service.

21 (e) DEDUCTION, CONTRIBUTION, AND DEPOSIT RE-
22 QUIREMENTS.—The deposit of funds in the Treasury of
23 the United States made by Air America in the form of
24 a lump-sum payment apportioned in part to the Civil Serv-
25 ice Disability & Retirement Fund in 1976 is deemed to

1 satisfy the deduction, contribution, and deposit require-
2 ments under section 8334 of title 5, United States Code,
3 with respect to all periods of qualifying service.

4 (f) APPLICATION TIME LIMIT.—Section 8345(i)(2) of
5 title 5, United States Code, shall be applied with respect
6 to the death of an individual who performed qualifying
7 service by substituting “2 years after the effective date
8 under section 2(g) of the Air America Act of 2020” for
9 “30 years after the death or other event which gives rise
10 to title to the benefit”.

11 (g) EFFECTIVE DATE.—This section shall take effect
12 on the date that is 30 days after the date of enactment
13 of this Act.

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