

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1297
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”.

3 SEC. 2. AIR AMERICA.

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

5 (1) Air America, Incorporated (referred to in
6 this section as “Air America”) and its related cover
7 corporate entities were wholly owned and controlled
8 by the United States Government and directed and
9 managed by the Department of Defense, the Depart-
10 ment of State, and the Central Intelligence Agency
11 from 1950 to 1976.

12 (2) Air America, a corporation owned by the
13 Government of the United States, constituted a
14 “Government corporation”, as defined in section 103
15 of title 5, United States Code.

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

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

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

17 (A) the General Schedule under subchapter
18 III of chapter 53 of title 5, United States Code;
19 and

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

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

24 (A) suffering a high rate of casualties in
25 the course of employment;

1 (B) saving thousands of lives in search and
2 rescue missions for downed United States air-
3 men and allied refugee evacuations; and

4 (C) lengthy periods of service in chal-
5 lenging circumstances abroad.

6 (b) DEFINITIONS.—In this section—

7 (1) the term “affiliated company”, with respect
8 to Air America, includes Air Asia Company Limited,
9 CAT Incorporated, Civil Air Transport Company
10 Limited, and the Pacific Division of Southern Air
11 Transport; and

12 (2) the term “qualifying service” means service
13 that—

14 (A) was performed by a United States cit-
15 izen as an employee of Air America or an affili-
16 ated company during the period beginning on
17 January 1, 1950, and ending on December 31,
18 1976; and

19 (B) is documented in the attorney-certified
20 corporate records of Air America or any affili-
21 ated company.

22 (c) TREATMENT AS FEDERAL EMPLOYMENT.—Any
23 period of qualifying service—

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

4 (2) shall be treated as creditable service by an
5 employee for purposes of subchapter III of chapter
6 83 of title 5, United States Code.

7 (d) RIGHTS.—An individual who performed quali-
8 fying service, or a survivor of such an individual, shall be
9 entitled to the rights, retroactive as applicable, provided
10 to employees and their survivors for creditable service
11 under the Civil Service Retirement System under sub-
12 chapter III of chapter 83 of title 5, United States Code,
13 with respect to that qualifying service.

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

22 (f) APPLICATION TIME LIMIT.—Section 8345(i)(2) of
23 title 5, United States Code, shall be applied with respect
24 to the death of an individual who performed qualifying
25 service by substituting “2 years after the effective date

1 under section 2(g) of the Air America Act” for “30 years
2 after the death or other event which gives rise to title to
3 the benefit”.

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

