

117TH CONGRESS
1ST SESSION

S. _____

To amend the Central Intelligence Agency Act of 1949 to authorize the provision of payment to personnel of the Central Intelligence Agency who incur qualifying injuries to the brain, to authorize the provision of payment to personnel of the Department of State who incur similar injuries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. COLLINS (for herself, Mr. WARNER, Mr. RUBIO, Mrs. SHAHEEN, Mr. CORNYN, Mr. BENNET, Mr. BLUNT, Mrs. GILLIBRAND, Mr. BURR, Mr. HEINRICH, Mr. SASSE, Mrs. FEINSTEIN, Mr. COTTON, Mr. KING, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Central Intelligence Agency Act of 1949 to authorize the provision of payment to personnel of the Central Intelligence Agency who incur qualifying injuries to the brain, to authorize the provision of payment to personnel of the Department of State who incur similar injuries, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Helping American Vic-
3 tims Afflicted by Neurological Attacks Act of 2021” or
4 the “HAVANA Act of 2021”.

5 **SEC. 2. AUTHORITY TO PAY PERSONNEL OF CENTRAL IN-**
6 **TELLIGENCE AGENCY FOR CERTAIN INJU-**
7 **RIES TO THE BRAIN.**

8 (a) DEFINITIONS.—In this section:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” mean—

12 (A) the congressional intelligence commit-
13 tees (as that term is defined in section 3 of the
14 National Security Act of 1947 (50 U.S.C.
15 3003)); and

16 (B) the Committees on Appropriations of
17 the Senate and the House of Representatives.

18 (2) COVERED DEPENDENT, COVERED EM-
19 PLOYEE, COVERED INDIVIDUAL, AND QUALIFYING
20 INJURY.—The terms “covered dependent”, “covered
21 employee”, “covered individual”, and “qualifying in-
22 jury” have the meanings given such terms in section
23 19A(a) of the Central Intelligence Agency Act of
24 1949 (50 U.S.C. 3519b(a)).

1 (b) PAYMENT AUTHORIZED.—Section 19A of the
2 Central Intelligence Agency Act of 1949 (50 U.S.C.
3 3519b) is amended by adding at the end the following:

4 “(d) AUTHORITY TO MAKE PAYMENTS FOR QUALI-
5 FYING INJURIES TO THE BRAIN.—

6 “(1) AUTHORITY.—Notwithstanding any other
7 provision of law but subject to paragraph (2), the
8 Director may provide payment to a covered depend-
9 ent, a covered employee, and a covered individual for
10 a qualifying injury to the brain.

11 “(2) LIMITATIONS.—

12 “(A) APPROPRIATIONS REQUIRED.—Pay-
13 ment under paragraph (1) in a fiscal year may
14 only be made using amounts appropriated in
15 advance specifically for payments under such
16 paragraph in such fiscal year.

17 “(B) MATTER OF PAYMENTS.—Payments
18 under paragraph (1) using amounts appro-
19 priated for such purpose shall be made on a
20 first come, first serve, or pro rata basis.

21 “(C) AMOUNTS OF PAYMENTS.—The total
22 amount of funding obligated for payments
23 under paragraph (1) may not exceed the
24 amount specifically appropriated for providing

1 payments under such paragraph during its pe-
2 riod of availability.

3 “(3) REGULATIONS.—

4 “(A) IN GENERAL.—The Director shall
5 prescribe regulations to carry out this sub-
6 section.

7 “(B) ELEMENTS.—The regulations pre-
8 scribed under subparagraph (A) shall include
9 regulations detailing fair and equitable criteria
10 for payment under paragraph (1).”.

11 (c) APPLICABILITY.—Payment under subsection (d)
12 of such section, as added by subsection (b) of this section,
13 may be made available for a qualifying injury to the brain
14 that occurs before, on, or after the date of the enactment
15 of this Act as the Director of the Central Intelligence
16 Agency considers appropriate.

17 (d) REPORTS.—

18 (1) REPORT ON USE OF AUTHORITY.—

19 (A) IN GENERAL.—Not later than 365
20 days after the date of the enactment of this
21 Act, the Director of the Central Intelligence
22 Agency shall submit to the appropriate congress-
23 sional committees a report on the use of the au-
24 thority provided by section 19A(d) of such Act,
25 as added by subsection (b) of this section.

1 (B) CONTENTS.—The report submitted
2 under subparagraph (A) shall include the fol-
3 lowing:

4 (i) A budget or spend plan for the use
5 of the authority described in subparagraph
6 (A) for the subsequent fiscal year.

7 (ii) Information relating to the use of
8 the authority described in subparagraph
9 (A) for the preceding year, including the
10 following:

11 (I) The total amount expended.

12 (II) The number of covered de-
13 pendents, covered employees, and cov-
14 ered individuals for whom payments
15 were made.

16 (III) The amounts that were pro-
17 vided to each person described in sub-
18 clause (II).

19 (iii) An assessment of whether addi-
20 tional authorities are required to ensure
21 that covered dependents, covered employ-
22 ees, and covered individuals can receive
23 payments for qualifying injuries, such as a
24 qualifying injury to the back or heart.

1 (C) FORM.—The report submitted under
2 subparagraph (A) shall be submitted in classi-
3 fied form.

4 (2) REPORT ON ESTIMATED COSTS FOR FISCAL
5 YEAR 2023.—Not later than March 1, 2022, the Di-
6 rector shall submit to the appropriate congressional
7 committees a report detailing an estimate of the ob-
8 ligation that the Director expects to incur in pro-
9 viding payment under section 19A(d) of such Act, as
10 added by subsection (b) of this section, in fiscal year
11 2023.

12 (e) REGULATIONS.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the Di-
15 rector shall prescribe regulations required under sec-
16 tion 19A(d)(3)(A) of such Act, as added by sub-
17 section (b) of this section.

18 (2) NOTICE TO CONGRESS.—Not later than 210
19 days after the date of the enactment of this Act, the
20 Director shall submit to the appropriate congress-
21 sional committees the regulations prescribed in ac-
22 cordance with paragraph (1).

23 (f) CLARIFYING AMENDMENT.—Section 19A(b) of
24 the Central Intelligence Agency Act of 1949 (50 U.S.C.
25 3519b(b)) is amended, in the subsection heading, by in-

1 serting “TOTAL DISABILITY RESULTING FROM” before
2 “CERTAIN INJURIES”.

3 **SEC. 3. AUTHORITY TO PAY PERSONNEL OF DEPARTMENT**
4 **OF STATE FOR CERTAIN INJURIES TO THE**
5 **BRAIN.**

6 (a) DEFINITIONS.—In this section:

7 (1) DEFINITION OF APPROPRIATE CONGRES-
8 SIONAL COMMITTEES.—The term “appropriate con-
9 gressional committees” means—

10 (A) the Committee on Foreign Relations
11 and the Committee on Appropriations of the
12 Senate; and

13 (B) the Committee on Foreign Affairs and
14 the Committee on Appropriations of the House
15 of Representatives.

16 (2) COVERED DEPENDENT, COVERED EM-
17 PLOYEE, COVERED INDIVIDUAL, AND QUALIFYING
18 INJURY.—The terms “covered dependent”, “covered
19 employee”, “covered individual”, and “qualifying in-
20 jury” have the meanings given such terms in section
21 901(e) of title IX of division J of the Further Con-
22 solidated Appropriations Act, 2020 (22 U.S.C.
23 2680b(e)).

1 (b) IN GENERAL.—Section 901 of title IX of division
2 J of the Further Consolidated Appropriations Act, 2020
3 (22 U.S.C. 2680b) is amended—

4 (1) in subsection (f), by striking “subsection (a)
5 or (b)” both places it appears and inserting “sub-
6 section (a), (b), or (i)”;

7 (2) in subsection (h)—

8 (A) in paragraph (1), by striking “IN GEN-
9 ERAL.—This section” and inserting “ADJUST-
10 MENT OF COMPENSATION PROVISION.—Sub-
11 sections (a) and (b)”;

12 (B) by redesignating paragraph (2) as
13 paragraph (3); and

14 (C) by inserting after paragraph (1) the
15 following new paragraph:

16 “(2) OTHER PAYMENT PROVISION.—Payment
17 under subsection (i) may be made available for a
18 qualifying injury that occurs before, on, or after the
19 date of the enactment of the Helping American Vic-
20 tims Afflicted by Neurological Attacks Act of
21 2021.”; and

22 (3) by adding at the end the following new sub-
23 section:

24 “(i) OTHER INJURIES.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law but subject to paragraph (2), the
3 Secretary of State or other agency head with an em-
4 ployee abroad may provide payment to a covered de-
5 pendent, a dependent of a former employee, a cov-
6 ered employee, a former employee, and a covered in-
7 dividual for a qualifying injury to the brain.

8 “(2) LIMITATIONS.—

9 “(A) APPROPRIATIONS REQUIRED.—Pay-
10 ment under paragraph (1) in a fiscal year may
11 only be made using amounts appropriated in
12 advance specifically for payments under such
13 paragraph in such fiscal year.

14 “(B) MATTER OF PAYMENTS.—Payments
15 under paragraph (1) using amounts appro-
16 priated for such purpose shall be made on a
17 first come, first serve, or pro rata basis.

18 “(C) AMOUNTS OF PAYMENTS.—The total
19 amount of funding obligated for payments
20 under paragraph (1) may not exceed the
21 amount specifically appropriated for providing
22 payments under such paragraph during its pe-
23 riod of availability.

24 “(3) REGULATIONS.—

1 “(A) IN GENERAL.—The Secretary or
2 other agency head described in paragraph (1)
3 that provides payment under such paragraph
4 shall prescribe regulations to carry out this sub-
5 section.

6 “(B) ELEMENTS.—The regulations pre-
7 scribed under subparagraph (A) shall include
8 regulations detailing fair and equitable criteria
9 for payment under paragraph (1).”.

10 (c) REPORTS.—

11 (1) REPORTS ON USE OF AUTHORITY.—

12 (A) IN GENERAL.—Not later than 365
13 days after the date of the enactment of this
14 Act, the Secretary of State and each other
15 agency head that makes a payment under sub-
16 section (i) of section 901 of title IX of division
17 J of the Further Consolidated Appropriations
18 Act, 2020 (22 U.S.C. 2680b), as added by sub-
19 section (b) of this section, shall submit to the
20 appropriate congressional committees a report
21 on the use of the authority provided by such
22 subsection (i).

23 (B) CONTENTS.—Each report submitted
24 under subparagraph (A) shall include the fol-
25 lowing:

1 (i) A budget or spend plan for the use
2 of the authority described in subparagraph
3 (A) for the subsequent fiscal year.

4 (ii) Information relating to the use of
5 the authority described in subparagraph
6 (A) for the preceding year, including the
7 following:

8 (I) The total amount expended.

9 (II) The number of covered de-
10 pendents, covered employees, and cov-
11 ered individuals for whom payments
12 were made.

13 (III) The amounts that were pro-
14 vided to each person described in sub-
15 clause (II).

16 (iii) An assessment of whether addi-
17 tional authorities are required to ensure
18 that covered dependents, covered employ-
19 ees, and covered individuals can receive
20 payments for qualifying injuries, such as a
21 qualifying injury to the back or heart.

22 (C) FORM.—The report submitted under
23 subparagraph (A) shall be submitted in classi-
24 fied form.

1 (2) REPORTS ON ESTIMATED COSTS FOR FIS-
2 CAL YEAR 2023.—Not later than March 1, 2022, the
3 Secretary of State and each other agency head that
4 makes a payment under subsection (i) of section 901
5 of title IX of division J of the Further Consolidated
6 Appropriations Act, 2020 (22 U.S.C. 2680b), as
7 added by subsection (b) of this section, shall submit
8 to the appropriate congressional committees a report
9 detailing an estimate of the obligation that the Di-
10 rector expects to incur in providing payment under
11 such subsection (i) in fiscal year 2023.

12 (d) REGULATIONS.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the Sec-
15 retary of State and each other agency head that
16 makes a payment under subsection (i)(1) of section
17 901 of title IX of division J of the Further Consoli-
18 dated Appropriations Act, 2020 (22 U.S.C. 2680b),
19 as added by subsection (b) of this section, shall pre-
20 scribe regulations required under subsection
21 (i)(3)(A) of such Act.

22 (2) NOTICE TO CONGRESS.—Not later than 210
23 days after the date of the enactment of this Act, the
24 Secretary of State and the agency heads described
25 in paragraph (1) shall submit to the appropriate

- 1 congressional committees the regulations prescribed
- 2 in accordance with paragraph (1).