

117TH CONGRESS
1ST SESSION

S. 1828

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

MAY 25, 2021

Ms. COLLINS (for herself, Mr. WARNER, Mr. RUBIO, Mrs. SHAHEEN, Mr. CORNYN, Mr. BENNET, Mr. COTTON, Mrs. GILLIBRAND, Mr. HEINRICH, Mr. KING, and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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));

16 (B) the Committee on Homeland Security
17 and Governmental Affairs and the Committee
18 on Appropriations of the Senate; and

19 (C) the Committee on Homeland Security
20 and the Committee on Appropriations of the
21 House of Representatives.

22 (2) COVERED DEPENDENT.—The term “covered
23 dependent” has the meaning given such term in sub-
24 section (d)(1) of section 19 of the Central Intel-
25 ligence Agency Act of 1949 (50 U.S.C. 3519), as
26 added by subsection (b).

1 (3) COVERED EMPLOYEE.—The term “covered
2 employee” has the meaning given such term in sec-
3 tion 19A(a) of the Central Intelligence Agency Act
4 of 1949 (50 U.S.C. 3519b(a)).

5 (4) COVERED INDIVIDUAL.—The term “covered
6 individual” has the meaning given such term in sec-
7 tion 19A(a) of the Central Intelligence Agency Act
8 of 1949 (50 U.S.C. 3519b(a)).

9 (5) QUALIFYING INJURY.—The term “quali-
10 fying injury” has the meaning given such term in
11 subsection (d)(1) of section 19 of the Central Intel-
12 ligence Agency Act of 1949 (50 U.S.C. 3519), as
13 added by subsection (b).

14 (b) PAYMENT AUTHORIZED.—Section 19A of the
15 Central Intelligence Agency Act of 1949 (50 U.S.C.
16 3519b) is amended by adding at the end the following:

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

19 “(1) DEFINITIONS.—In this subsection:

20 “(A) COVERED DEPENDENT.—The term
21 ‘covered dependent’ has the meaning given such
22 term in subsection (a), except that the assigned
23 duty station need not be in a foreign country.

24 “(B) QUALIFYING INJURY.—The term
25 ‘qualifying injury’ has the meaning given such

1 term in subsection (a), except that the assigned
2 duty station need not be in a foreign country.

3 “(2) AUTHORITY.—Notwithstanding any other
4 provision of law but subject to paragraph (3), the
5 Director may provide payment to a covered depend-
6 ent, a covered employee, and a covered individual for
7 a qualifying injury to the brain.

8 “(3) LIMITATIONS.—

9 “(A) APPROPRIATIONS REQUIRED.—Pay-
10 ment under paragraph (2) 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 (2) 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 (2) may not exceed the
21 amount specifically appropriated for providing
22 payments under such paragraph during its pe-
23 riod of availability.

24 “(4) REGULATIONS.—

1 “(A) IN GENERAL.—The Director shall
2 prescribe regulations to carry out this sub-
3 section.

4 “(B) ELEMENTS.—The regulations pre-
5 scribed under subparagraph (A) shall include
6 regulations detailing fair and equitable criteria
7 for payment under paragraph (2).”.

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

14 (d) REPORTS.—

15 (1) REPORT ON USE OF AUTHORITY.—

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

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

9 (e) REGULATIONS.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the Di-
12 rector shall prescribe regulations required under sec-
13 tion 19A(d)(4)(A) of such Act, as added by sub-
14 section (b) of this section.

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

20 (f) CLARIFYING AMENDMENT.—Section 19A(b) of
21 the Central Intelligence Agency Act of 1949 (50 U.S.C.
22 3519b(b)) is amended, in the subsection heading, by in-
23 serting “TOTAL DISABILITY RESULTING FROM” before
24 “CERTAIN INJURIES”.

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

4 (a) DEFINITIONS.—In this section:

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

8 (A) the Committee on Foreign Relations,
 9 the Committee on Homeland Security and Gov-
 10 ernmental Affairs, and the Committee on Ap-
 11 propriations of the Senate; and

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

16 (2) COVERED DEPENDENT.—The term “covered
 17 dependent” has the meaning given such term in sub-
 18 section (i)(1) of section 901 of title IX of division
 19 J of the Further Consolidated Appropriations Act,
 20 2020 (22 U.S.C. 2680b), as added by subsection (b).

21 (3) COVERED EMPLOYEE.—The term “covered
 22 employee” has the meaning given such term in sub-
 23 section (i)(1) of section 901 of title IX of division
 24 J of the Further Consolidated Appropriations Act,
 25 2020 (22 U.S.C. 2680b), as added by subsection (b).

1 (4) COVERED INDIVIDUAL.—The term “covered
2 individual” has the meaning given such term in sub-
3 section (i)(1) of section 901 of title IX of division
4 J of the Further Consolidated Appropriations Act,
5 2020 (22 U.S.C. 2680b), as added by subsection (b).

6 (5) QUALIFYING INJURY.—The term “quali-
7 fying injury” has the meaning given such term in
8 subsection (i)(1) of section 901 of title IX of division
9 J of the Further Consolidated Appropriations Act,
10 2020 (22 U.S.C. 2680b), as added by subsection (b).

11 (b) IN GENERAL.—Section 901 of title IX of division
12 J of the Further Consolidated Appropriations Act, 2020
13 (22 U.S.C. 2680b) is amended—

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

17 (2) in subsection (h)—

18 (A) in paragraph (1), by striking “IN GEN-
19 ERAL.—This section” and inserting “ADJUST-
20 MENT OF COMPENSATION PROVISION.—Sub-
21 sections (a) and (b)”; and

22 (B) by redesignating paragraph (2) as
23 paragraph (3); and

24 (C) by inserting after paragraph (1) the
25 following new paragraph:

1 “(2) OTHER PAYMENT PROVISION.—Payment
 2 under subsection (i) may be made available for a
 3 qualifying injury (as defined in such subsection) that
 4 occurs before, on, or after the date of the enactment
 5 of the Helping American Victims Afflicted by Neuro-
 6 logical Attacks Act of 2021.”; and

7 (3) by adding at the end the following new sub-
 8 section:

9 “(i) OTHER INJURIES.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) COVERED DEPENDENT.—The term
 12 ‘covered dependent’ has the meaning given such
 13 term in subsection (e), except that the assigned
 14 duty station need not be in the Republic of
 15 Cuba, the People’s Republic of China, or an-
 16 other foreign country.

17 “(B) COVERED EMPLOYEE.—The term
 18 ‘covered employee’ has the meaning given such
 19 term in subsection (e), except that the assigned
 20 duty station need not be in the Republic of
 21 Cuba, the People’s Republic of China, or an-
 22 other foreign country.

23 “(C) COVERED INDIVIDUAL.—The term
 24 ‘covered individual’ has the meaning given such
 25 term in subsection (e), except that the assigned

1 duty station need not be in the Republic of
2 Cuba, the People’s Republic of China, or an-
3 other foreign country.

4 “(D) QUALIFYING INJURY.—The term
5 ‘qualifying injury’ has the meaning given such
6 term in subsection (e), except that the assigned
7 duty station need not be in the Republic of
8 Cuba, the People’s Republic of China, or an-
9 other foreign country.

10 “(2) AUTHORITY.—Notwithstanding any other
11 provision of law but subject to paragraph (3), the
12 Secretary of State or other agency head with an em-
13 ployee may provide payment to a covered dependent,
14 a dependent of a former employee, a covered em-
15 ployee, a former employee, and a covered individual
16 for a qualifying injury to the brain.

17 “(3) LIMITATIONS.—

18 “(A) APPROPRIATIONS REQUIRED.—Pay-
19 ment under paragraph (2) in a fiscal year may
20 only be made using amounts appropriated in
21 advance specifically for payments under such
22 paragraph in such fiscal year.

23 “(B) MATTER OF PAYMENTS.—Payments
24 under paragraph (2) using amounts appro-

1 priated for such purpose shall be made on a
 2 first come, first serve, or pro rata basis.

3 “(C) AMOUNTS OF PAYMENTS.—The total
 4 amount of funding obligated for payments
 5 under paragraph (2) may not exceed the
 6 amount specifically appropriated for providing
 7 payments under such paragraph during its pe-
 8 riod of availability.

9 “(4) REGULATIONS.—

10 “(A) IN GENERAL.—The Secretary or
 11 other agency head described in paragraph (2)
 12 that provides payment under such paragraph
 13 shall prescribe regulations to carry out this sub-
 14 section.

15 “(B) ELEMENTS.—The regulations pre-
 16 scribed under subparagraph (A) shall include
 17 regulations detailing fair and equitable criteria
 18 for payment under paragraph (2).”.

19 (c) REPORTS.—

20 (1) REPORTS ON USE OF AUTHORITY.—

21 (A) IN GENERAL.—Not later than 365
 22 days after the date of the enactment of this
 23 Act, the Secretary of State and each other
 24 agency head that makes a payment under sub-
 25 section (i) of section 901 of title IX of division

1 J of the Further Consolidated Appropriations
2 Act, 2020 (22 U.S.C. 2680b), as added by sub-
3 section (b) of this section, shall submit to the
4 appropriate congressional committees a report
5 on the use of the authority provided by such
6 subsection (i).

7 (B) CONTENTS.—Each report submitted
8 under subparagraph (A) shall include the fol-
9 lowing:

10 (i) A budget or spend plan for the use
11 of the authority described in subparagraph
12 (A) for the subsequent fiscal year.

13 (ii) Information relating to the use of
14 the authority described in subparagraph
15 (A) for the preceding year, including the
16 following:

17 (I) The total amount expended.

18 (II) The number of covered de-
19 pendants, covered employees, and cov-
20 ered individuals for whom payments
21 were made.

22 (III) The amounts that were pro-
23 vided to each person described in sub-
24 clause (II).

1 (iii) An assessment of whether addi-
2 tional authorities are required to ensure
3 that covered dependents, covered employ-
4 ees, and covered individuals can receive
5 payments for qualifying injuries, such as a
6 qualifying injury to the back or heart.

7 (C) FORM.—The report submitted under
8 subparagraph (A) shall be submitted in classi-
9 fied form.

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

21 (d) REGULATIONS.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary of State and each other agency head that
25 makes a payment under subsection (i)(2) of section

1 901 of title IX of division J of the Further Consoli-
2 dated Appropriations Act, 2020 (22 U.S.C. 2680b),
3 as added by subsection (b) of this section, shall pre-
4 scribe regulations required under subsection
5 (i)(4)(A) of such Act.

6 (2) NOTICE TO CONGRESS.—Not later than 210
7 days after the date of the enactment of this Act, the
8 Secretary of State and the agency heads described
9 in paragraph (1) shall submit to the appropriate
10 congressional committees the regulations prescribed
11 in accordance with paragraph (1).

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