

117TH CONGRESS  
1ST SESSION

# S. 1714

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 19, 2021

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 Homeland Security and Governmental Affairs

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## 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 congres-  
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 serring “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)”; and

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).

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