

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.

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IN THE SENATE OF THE UNITED STATES

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

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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));

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)”;

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           priedated 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 pendents, 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).