

117TH CONGRESS
1ST SESSION

H. R. 3356

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 HOUSE OF REPRESENTATIVES

MAY 19, 2021

Mr. SCHIFF (for himself, Mr. NUNES, and Mr. MEEKS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Permanent Select Committee on Intelligence, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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) PAYMENT AUTHORIZED.—Section 19A of the
9 Central Intelligence Agency Act of 1949 (50 U.S.C.
10 3519b) is amended by adding at the end the following:

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

13 “(1) AUTHORITY.—Notwithstanding any other
14 provision of law, but subject to paragraph (2), the
15 Director may provide payment to a covered depend-
16 ent, a covered employee, and a covered individual for
17 a qualifying injury to the brain.

18 “(2) LIMITATIONS.—

19 “(A) APPROPRIATIONS REQUIRED.—Pay-
20 ment under paragraph (1) in a fiscal year may
21 only be made using amounts appropriated in
22 advance specifically for payments under such
23 paragraph in such fiscal year.

24 “(B) MATTER OF PAYMENTS.—Payments
25 under paragraph (1) using amounts appro-
26 priated for such purpose shall be made either in

1 the order in which claims for such payments are
2 filed or on a pro-rata basis.

3 “(C) AMOUNTS OF PAYMENTS.—The total
4 amount of funding obligated for payments
5 under paragraph (1) may not exceed the
6 amount specifically appropriated for providing
7 payments under such paragraph during its pe-
8 riod of availability.

9 “(D) FREQUENCY OF PAYMENTS.—The
10 Director may make payments under paragraph
11 (1) in a lump sum payment or through multiple
12 payments, including, subject to subparagraph
13 (A), payments occurring in more than one year.

14 “(3) REGULATIONS.—

15 “(A) IN GENERAL.—The Director shall
16 prescribe regulations to carry out this sub-
17 section.

18 “(B) ELEMENTS.—The regulations pre-
19 scribed under subparagraph (A) shall be con-
20 sistent with this subsection and section 2 of the
21 HAVANA Act of 2021, and include regulations
22 detailing fair and equitable criteria for payment
23 under paragraph (1).

24 “(4) NO EFFECT ON OTHER BENEFITS.—Pay-
25 ments made under paragraph (1) are supplemental

1 to any other benefit furnished by the United States
2 Government for which a covered dependent, covered
3 employee, or covered individual is entitled, and the
4 receipt of such payments may not affect the eligi-
5 bility of such a person to any other benefit furnished
6 by the United States Government.”.

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

13 (c) CLARIFYING AMENDMENT.—Section 19A(b) of
14 the Central Intelligence Agency Act of 1949 (50 U.S.C.
15 3519b(b)) is amended, in the subsection heading, by in-
16 serting “TOTAL DISABILITY RESULTING FROM” before
17 “CERTAIN INJURIES”.

18 (d) REPORTS.—

19 (1) REPORT ON USE OF AUTHORITY.—

20 (A) IN GENERAL.—Not later than one year
21 after the date of the enactment of this Act, the
22 Director of the Central Intelligence Agency
23 shall submit to the appropriate congressional
24 committees a report on the use of the authority

1 provided by section 19A(d) of such Act, as
2 added by subsection (a) of this section.

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

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

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

13 (I) The total amount expended.

14 (II) The number of covered de-
15 pendants, covered employees, and cov-
16 ered individuals for whom payments
17 were made.

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

21 (iii) An assessment of whether addi-
22 tional authorities are required to ensure
23 that covered dependents, covered employ-
24 ees, and covered individuals can receive

1 payments for qualifying injuries, such as a
2 qualifying injury to the back or heart.

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

6 (2) REPORT ON ESTIMATED COSTS FOR FISCAL
7 YEAR 2023.—Not later than March 1, 2022, the Di-
8 rector shall submit to the appropriate congressional
9 committees a report detailing an estimate of the ob-
10 ligation that the Director expects to incur in pro-
11 viding payment under section 19A(d) of such Act, as
12 added by subsection (a) of this section, in fiscal year
13 2023.

14 (3) REPORT ON FEASIBILITY OF MODIFICA-
15 TIONS TO PROGRAM.—Not later than 270 days after
16 the date of the enactment of this Act, the Director
17 shall submit to the appropriate congressional com-
18 mittees a report on the feasibility of the Central In-
19 telligence Agency adopting a disability benefits pro-
20 gram similar to the disability benefits program of
21 the Department of Defense.

22 (e) REGULATIONS.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, the Di-
25 rector shall prescribe regulations required under sec-

1 tion 19A(d)(3)(A) of such Act, as added by sub-
2 section (a) of this section.

3 (2) NOTICE TO CONGRESS.—Not later than 210
4 days after the date of the enactment of this Act, the
5 Director shall submit to the appropriate congress-
6 sional committees the regulations prescribed in ac-
7 cordance with paragraph (1).

8 (f) 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 **SEC. 3. AUTHORITY TO PAY PERSONNEL OF DEPARTMENT**
2 **OF STATE FOR CERTAIN INJURIES TO THE**
3 **BRAIN.**

4 (a) IN GENERAL.—Section 901 of title IX of division
5 J of the Further Consolidated Appropriations Act, 2020
6 (22 U.S.C. 2680b) is amended—

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

10 (2) in subsection (h)—

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

15 (B) by redesignating paragraph (2) as
16 paragraph (3); and

17 (C) by inserting after paragraph (1) the
18 following new paragraph:

19 “(2) OTHER PAYMENT PROVISION.—Payment
20 under subsection (i) may be made available for a
21 qualifying injury that occurs before, on, or after the
22 date of the enactment of the HAVANA Act of
23 2021.”; and

24 (3) by adding at the end the following new sub-
25 section:

26 “(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 either in
17 the order in which claims for such payments are
18 filed or on a pro-rata basis.

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

1 “(D) FREQUENCY OF PAYMENTS.—The
2 Secretary or other agency head may make pay-
3 ments under paragraph (1) in a lump sum pay-
4 ment or through multiple payments, including,
5 subject to subparagraph (A), payments occur-
6 ring in more than one year.

7 “(3) REGULATIONS.—

8 “(A) IN GENERAL.—The Secretary or
9 other agency head described in paragraph (1)
10 that provides payment under such paragraph
11 shall prescribe regulations to carry out this sub-
12 section.

13 “(B) ELEMENTS.—The regulations pre-
14 scribed under subparagraph (A) shall include
15 regulations detailing fair and equitable criteria
16 for payment under paragraph (1).

17 “(4) NO EFFECT ON OTHER BENEFITS.—Pay-
18 ments made under paragraph (1) are supplemental
19 to any other benefit furnished by the United States
20 Government for which a covered dependent, depend-
21 ent of a former employee, covered employee, former
22 employee, or covered individual is entitled, and the
23 receipt of such payments may not affect the eligi-
24 bility of such a person to any other benefit furnished
25 by the United States Government.”.

1 (b) REPORTS.—

2 (1) REPORTS ON USE OF AUTHORITY.—

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

14 (B) CONTENTS.—Each report submitted
15 under subparagraph (A) shall include the fol-
16 lowing:

17 (i) A budget or spend plan for the use
18 of the authority described in subparagraph
19 (A) for the subsequent fiscal year.

20 (ii) Information relating to the use of
21 the authority described in subparagraph
22 (A) for the preceding year, including the
23 following:

24 (I) The total amount expended.

1 (II) The number of covered de-
2 pendants, covered employees, and cov-
3 ered individuals for whom payments
4 were made.

5 (III) The amounts that were pro-
6 vided to each person described in sub-
7 clause (II).

8 (iii) An assessment of whether addi-
9 tional authorities are required to ensure
10 that covered dependents, covered employ-
11 ees, and covered individuals can receive
12 payments for qualifying injuries, such as a
13 qualifying injury to the back or heart.

14 (C) FORM.—The report submitted under
15 subparagraph (A) shall be submitted in classi-
16 fied form.

17 (2) REPORTS ON ESTIMATED COSTS FOR FIS-
18 CAL YEAR 2023.—Not later than March 1, 2022, the
19 Secretary of State and each other agency head that
20 makes a payment under subsection (i) of section 901
21 of title IX of division J of the Further Consolidated
22 Appropriations Act, 2020 (22 U.S.C. 2680b), as
23 added by subsection (a) of this section, shall submit
24 to the appropriate congressional committees a report
25 detailing an estimate of the obligation that the Di-

1 rector expects to incur in providing payment under
2 such subsection (i) in fiscal year 2023.

3 (c) REGULATIONS.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary of State and each other agency head that
7 makes a payment under subsection (i)(1) of section
8 901 of title IX of division J of the Further Consoli-
9 dated Appropriations Act, 2020 (22 U.S.C. 2680b),
10 as added by subsection (a) of this section, shall pre-
11 scribe regulations required under subsection
12 (i)(3)(A) of such Act.

13 (2) NOTICE TO CONGRESS.—Not later than 210
14 days after the date of the enactment of this Act, the
15 Secretary of State and the agency heads described
16 in paragraph (1) shall submit to the appropriate
17 congressional committees the regulations prescribed
18 in accordance with paragraph (1).

19 (d) DEFINITIONS.—In this section:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Foreign Relations
24 and the Committee on Appropriations of the
25 Senate; and

1 (B) the Committee on Foreign Affairs and
2 the Committee on Appropriations of the House
3 of Representatives.

4 (2) COVERED DEPENDENT, COVERED EM-
5 PLOYEE, COVERED INDIVIDUAL, AND QUALIFYING
6 INJURY.—The terms “covered dependent”, “covered
7 employee”, “covered individual”, and “qualifying in-
8 jury” have the meanings given such terms in section
9 901(e) of title IX of division J of the Further Con-
10 solidated Appropriations Act, 2020 (22 U.S.C.
11 2680b(e)).

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