



United States Department of State

Washington, D.C. 20520

April 21, 2022

Dominic Mancini, Acting Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget

Dear Acting Administrator Mancini,

The Department of State requests Office of Management and Budget (OMB) emergency processing, pursuant to 5 C.F.R. 1320.13, of the DS-4316, Eligibility Questionnaire for HAVANA Act Payments, OMB Control Number 1405-XXXX.

On October 8, 2021, the President signed the “Helping American Victims Affected by Neurological Attacks” (HAVANA) Act of 2021 (Public Law 117-46). In this statute, Congress authorized federal government agencies to make payment to affected current employees, former employees, and their dependents for qualifying injuries to the brain. This law requires the Department (and other agencies) to “prescribe regulations” implementing the HAVANA Act not later than 180 days after the effective date of the Act (which was April 6, 2022). The Department is submitting a draft interim final rule (IFR) for formal review at OIRA, which will fulfill the mandate of the HAVANA Act, define “qualifying injury to the brain”, and provide procedures for affected individuals to submit claims.

Pursuant to the procedures outlined in the IFR, a board-certified neurologist will review a potential claimant’s file and complete the DS-4316, the Eligibility Questionnaire for HAVANA Act Payments, which will provide the required medical substantiation for any claims filed pursuant to the Department’s implementation of the HAVANA Act. This form requires approval under the Paperwork Reduction Act.

The Department has determined that:

1. This collection is necessary without allowing for the time period normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act. It is crucial that individuals experiencing qualifying injuries to the brain be examined and, if appropriate, submit their claims under the Act and receive payment as soon as possible. In addition, Congress mandated that these procedures be in place by April 6; therefore, it is critical that the form be ready for the public to use as soon as the IFR is published. The IFR provides for 30 days of public comment; in addition, the Department commits to initiating, within 30 days of the emergency Notice of Action, a request for three-year approval with a 60-day notice in the *Federal Register*.

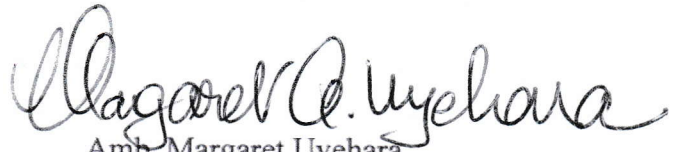
2. This collection is essential to the mission of the Department of State, which is committed to protecting its employees and dependents from injury; and, to the extent possible, making a payment to them pursuant to the HAVANA Act for qualifying injuries to the brain incurred in connection with war, insurgency, hostile act, terrorist activity, or other incidents designated by the Secretary of State, and which were not the result of the willful misconduct of the covered individual. The purpose of this collection is to provide required documentation from a board-certified neurologist regarding the claimant's injuries.
3. The use of normal PRA clearance procedures would prevent the Department from obtaining this information on a timely basis.

In light of the foregoing, the Department of State requests OMB's formal emergency review and approval of this information collection by April 30, 2022.

Sincerely,



Amb. Jonathan M. Moore  
Coordinator  
Health Incident Response Task Force



Amb. Margaret Uyehara  
Senior Care Coordinator  
Bureau of Global Talent Management