



UNITED STATES DEPARTMENT OF COMMERCE
Office of the Acting Chief Financial Officer and
Assistant Secretary for Administration
Washington, D.C. 20230

March 23, 2023

Richard Revesz
Office of Information and Regulatory Affairs
Office of Management and Budget

Dear Administrator Revesz,

The Department of Commerce requests Office of Management and Budget (OMB) emergency processing, pursuant to 5 C.F.R. 1320.13, of the Eligibility Questionnaire for HAVANA Act Payments.

On October 8, 2021, the President signed the "Helping American Victims Afflicted by Neurological Attacks" (HAVANA) Act of 2021 (Public Law 117-46). In this statute, Congress authorized federal government agencies to make payments to affected current employees, former employees, and their dependents for qualifying injuries to the brain. The Department must collect certain information from individuals seeking such a payment to ensure that they have an injury that would make them eligible for payment and to determine the amount of payment. The use of normal Paperwork Reduction Act (PRA) clearance procedures would unduly delay the Department's ability to obtain this information in a timely manner and ultimately make payments expeditiously to affected persons who have established that they have suffered from a qualifying injury. In light of the foregoing, the Department of Commerce requests OMB's formal emergency review and approval of this information collection by March 31. The Department submitted a draft interim final rule (IFR) to OMB for formal review, 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 physician will review a potential claimant's file and complete the Eligibility Questionnaire for HAVANA Act Payments (CD-350), 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 PRA.

Justification:

1. This collection is necessary without allowing for the time period normally associated with a routine submission for review under the provisions of the PRA. 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 for qualifying injuries as soon as possible. In addition, Congress mandated a deadline for these procedures be in place, which, although it has passed, indicated the urgency for providing payments; therefore, it is critical that the form be ready for the public to use as soon as the IFR is published.

2. This collection is essential to the mission of the Department of Commerce, which is committed to protecting its employees and their 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, 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 physician regarding the claimant's injuries.

Sincerely,

Jeremy Pelter
Anomalous Health Incidents Coordinator
Acting Chief Financial Officer &
Assistant Secretary for Administration