

United States Senate

WASHINGTON, DC 20510

May 13, 2020

The Honorable Michael R. Pompeo
Secretary
U.S. Department of State
2201 C. Street N.W.
Washington, DC 20520

Dear Mr. Secretary:

We write concerning the State Department's recent interpretation of Section 901 of the Consolidated Appropriations Act of 2020. Section 901 was a joint effort between the State Department and Congress to ensure the long-term care of all federal employees and their family members injured during their service in the Republic of Cuba or the People's Republic of China. It is our understanding that during previous conversations with congressional staff the State Department provided assurances that the negotiated text would cover all affected employees under Chief of Mission authority. Unfortunately, it has come to my attention that the State Department has now determined that only State Department employees can apply for the compensation adjustment afforded under subsection (a) of the legislation.

Consequently, this interpretation would leave several injured Foreign Commercial Service and Foreign Agricultural Service officers with no means of recuperating their losses and caring for themselves and their families following the debilitating brain injuries they received while overseas. As you know, these injuries began to appear in affected personnel as early as 2016, according to open sources, yet there is still little information about the cause. As such, there is no evidence to indicate that these injuries and the resulting symptoms will subside over time. On the contrary, given the sensitivity of the brain and its neural pathways, as well as the demonstrated medical conditions of several affected employees, there is reason to believe that injured federal employees' conditions will deteriorate, not improve, over time.

For this reason, those affected are relying on commitments made by our government to ensure their long-term care. The Department's recent decision to limit the application of these benefits not only falls far short of the responsibility our government has to these employees and their families, but it contravenes Congress' clear intent to protect and care for all employees affected by these injuries.

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Fortunately, the legislation grants you broad authority to ensure “the fair and equitable implementation of [this legislation]” under subsection (d). Therefore, I respectfully ask that you use this authority to follow through on the intent of the legislation and issue regulations that allow all affected federal employees to access the full breadth of benefits provided for by this legislation.

Mr. Secretary, there is only one way for the implementation of this legislation to be considered “fair and equitable,” and that is by implementing Section 901 in a way that ensures the care of all those who have been injured and does not exclude employees. After all, each of these government employees were injured while serving our country overseas. Granting these benefits is the least that we can do to provide them and their families with peace of mind as they work to recover.

We appreciate your attention to this matter and look forward to your timely reply.

Sincerely,



Jeanne Shaheen
United States Senator



Marco Rubio
United States Senator