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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To impose sanctions against foreign persons and foreign governments in response to certain clandestine attacks on United States personnel, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCCAUL introduced the following bill; which was referred to the Committee on _____

A BILL

To impose sanctions against foreign persons and foreign governments in response to certain clandestine attacks on United States personnel, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Havana Syndrome At-

5 tacks Response Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) United States personnel have suffered per-
2 sistent brain injuries after being targeted in attacks
3 that have been increasing in number, geographic lo-
4 cation, and audacity.

5 (2) In December 2016 a number of United
6 States Embassy personnel in Havana, Cuba, began
7 to experience the acute and sudden onset of unusual
8 symptoms, usually concurrent with the perceived
9 onset of a loud, directional noise, often accompanied
10 by pain in the ears or the head and a sensation of
11 pressure or vibration.

12 (3) Symptoms, which have been chronic for
13 some personnel, have included dizziness, hearing loss
14 and tinnitus, vertigo, cognitive and motor impair-
15 ment, severe headaches, and insomnia.

16 (4) A panel of experts convened by the Depart-
17 ment of State's Bureau of Medical Services in July
18 2017 to review triage assessments of medically eval-
19 uated personnel from the United States Embassy in
20 Havana came to consensus that the findings were
21 most likely related to neurotrauma from a non-
22 natural source.

23 (5) On August 11, 2017, Secretary of State
24 Rex Tillerson characterized these episodes as "health
25 attacks" against United States personnel in Cuba.

1 (6) On September 29, 2017, the Department of
2 State ordered the departure of non-essential per-
3 sonnel from the United States Embassy in Havana
4 and issued a formal Cuba Travel Warning that stat-
5 ed: “Over the past several months, numerous U.S.
6 Embassy Havana employees have been targeted in
7 specific attacks. These employees have suffered sig-
8 nificant injuries as a consequence of these attacks.”.

9 (7) Other personnel at the United States Con-
10 sulate in Guangzhou, China, reported similar experi-
11 ences beginning in 2017.

12 (8) A 2018 report, published in the Journal of
13 the American Medical Association, based on clinical
14 evaluation of affected personnel from United States
15 Embassy, Havana, stated: “These individuals ap-
16 peared to have sustained injury to widespread brain
17 networks without an associated history of head trau-
18 ma.”.

19 (9) The number and locations of these attacks
20 have significantly expanded and, according to press
21 reporting, as of May 2021 there have been more
22 than 130 possible cases that have occurred in Asia,
23 in Europe, and in the Western Hemisphere, includ-
24 ing within the United States.

1 (10) According to press reporting, these attacks
2 have occurred, among other places, at the homes of
3 United States personnel, at hotels, and on public
4 streets, including in the immediate vicinity of the
5 White House, in Washington, D.C.

6 (11) A 2020 report by the National Academy of
7 Sciences (NAS) found that “many of the distinctive
8 and acute signs, symptoms, and observations re-
9 ported by [affected] employees are consistent with
10 the effects of directed, pulsed radio frequency (RF)
11 energy” and that “directed pulsed RF en-
12 ergy. . .appears to be the most plausible mechanism
13 in explaining these cases”.

14 (12) According to the NAS report, “such a sce-
15 nario raises grave concerns about a world with
16 disinhibited malevolent actors and new tools for
17 causing harm to others”.

18 (13) The continuing and expanding scope of
19 these attacks has become a serious security concern
20 that is also undermining the morale of United States
21 personnel, especially those posted at overseas diplo-
22 matic missions.

23 (14) Article 22 of the Vienna Convention on
24 Diplomatic Relations states that “The receiving
25 State is under a special duty to take all appropriate

1 steps to protect the premises of [a foreign] mission
2 against any intrusion or damage and to prevent any
3 disturbance of the peace of the mission or impair-
4 ment of its dignity.”.

5 (15) The Convention on the Prevention and
6 Punishment of Crimes against Internationally Pro-
7 tected Persons, including Diplomatic Agents, to
8 which 180 countries are a party, protects diplomatic
9 personnel from attacks on their persons, accom-
10 modations, or means of transport, and requires all
11 state parties to punish and take measures to prevent
12 such grave crimes.

13 **SEC. 3. STATEMENT OF POLICY.**

14 It is the policy of the United States—

15 (1) to detect, deter, and punish clandestine at-
16 tacks that cause persistent brain injury in United
17 States personnel;

18 (2) to provide appropriate assistance to United
19 States personnel harmed by such attacks;

20 (3) to hold responsible any persons, entities, or
21 governments involved in ordering or carrying out
22 such attacks, including through appropriate sanc-
23 tions and criminal prosecutions;

1 (4) to prioritize research into effective counter-
2 measures to help protect United States personnel
3 from such attacks; and

4 (5) to convey to foreign governments through
5 official contact at the highest levels the gravity of
6 United States concern about such attacks and the
7 seriousness of consequences that may follow should
8 attacks continue.

9 **SEC. 4. IMPOSITION OF SANCTIONS AGAINST FOREIGN**
10 **PERSONS IN RESPONSE TO CERTAIN CLAN-**
11 **DESTINE ATTACKS ON UNITED STATES PER-**
12 **SONNEL.**

13 (a) IMPOSITION OF SANCTIONS.—The President shall
14 impose the sanctions described in subsection (b) with re-
15 spect to any foreign person that the President determines,
16 on or after the date of the enactment of this Act, know-
17 ingly has directed or carried out clandestine attacks on
18 United States personnel that have resulted in brain injury
19 to those personnel.

20 (b) SANCTIONS DESCRIBED.—The sanctions de-
21 scribed in this subsection are the following:

22 (1) BLOCKING OF PROPERTY.—The President
23 shall block, in accordance with the International
24 Emergency Economic Powers Act (50 U.S.C. 1701
25 et seq.), all transactions in all property and interests

1 in property of any person subject to subsection (a)
2 if such property and interests in property are in the
3 United States, come within the United States, or are
4 or come within the possession or control of a United
5 States person.

6 (2) EXCLUSION FROM THE UNITED STATES.—
7 The Secretary of State shall deny a visa to, and the
8 Secretary of Homeland Security shall exclude from
9 the United States, any person subject to subsection
10 (a) that is an alien.

11 (c) PENALTIES.—A person that violates, attempts to
12 violate, conspires to violate, or causes a violation of sub-
13 section (b)(1) or any regulation, license, or order issued
14 to carry out that subsection shall be subject to the pen-
15 alties set forth in subsections (b) and (c) of section 206
16 of the International Emergency Economic Powers Act (50
17 U.S.C. 1705) to the same extent as a person that commits
18 an unlawful act described in subsection (a) of that section.

19 (d) EXCEPTIONS.—

20 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
21 TIES.—Sanctions under this section shall not apply
22 to any activity subject to the reporting requirements
23 under title V of the National Security Act of 1947
24 (50 U.S.C. 3091 et seq.) or any authorized intel-
25 ligence activities of the United States.

1 (2) EXCEPTION TO COMPLY WITH INTER-
2 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
3 MENT ACTIVITIES.—Sanctions under subsection
4 (b)(2) shall not apply with respect to an alien if ad-
5 mitting or paroling the alien into the United States
6 is necessary—

7 (A) to permit the United States to comply
8 with the Agreement regarding the Head-
9 quarters of the United Nations, signed at Lake
10 Success June 26, 1947, and entered into force
11 November 21, 1947, between the United Na-
12 tions and the United States, or other applicable
13 international obligations; or

14 (B) to carry out or assist law enforcement
15 activity in the United States.

16 (3) EXCEPTION RELATING TO IMPORTATION OF
17 GOODS.—

18 (A) IN GENERAL.—The authorities and re-
19 quirements to impose sanctions under this sec-
20 tion shall not include the authority or require-
21 ment to impose sanctions on the importation of
22 goods.

23 (B) GOOD DEFINED.—In this paragraph,
24 the term “good” means any article, natural or
25 man-made substance, material, supply or manu-

1 factured product, including inspection and test
2 equipment, and excluding technical data.

3 (e) DEFINITIONS.—In this section:

4 (1) FOREIGN PERSON.—The term “foreign per-
5 son” means a person that is not a United States
6 person.

7 (2) KNOWINGLY.—The term “knowingly” has
8 the meaning given that term in section 14 of the
9 Iran Sanctions Act of 1996 (Public Law 104–172;
10 50 U.S.C. 1701 note).

11 (3) UNITED STATES PERSON.—The term
12 “United States person” means—

13 (A) a United States citizen or an alien law-
14 fully admitted for permanent residence to the
15 United States; or

16 (B) an entity organized under the laws of
17 the United States or of any jurisdiction within
18 the United States, including a foreign branch of
19 such an entity.

20 **SEC. 5. IMPOSITION OF SANCTIONS AGAINST FOREIGN**
21 **GOVERNMENTS IN RESPONSE TO CERTAIN**
22 **CLANDESTINE ATTACKS ON UNITED STATES**
23 **PERSONNEL.**

24 (a) PRESIDENTIAL DETERMINATION.—Whenever
25 persuasive information becomes available to the executive

1 branch indicating the substantial possibility that the gov-
2 ernment of a foreign country has carried out clandestine
3 attacks on United States personnel that have resulted in
4 brain injury to such personnel, the President shall, within
5 60 days after the receipt of such information by the execu-
6 tive branch, determine and report to the appropriate con-
7 gressional committees and leadership whether that govern-
8 ment has carried out clandestine attacks on United States
9 personnel that have resulted in brain injury to such per-
10 sonnel.

11 (b) IMPOSITION OF SANCTIONS.—If at any time the
12 President makes a determination pursuant to subsection
13 (a) that a foreign government has carried out clandestine
14 attacks on United States personnel that have resulted in
15 brain injury to such personnel, the President shall impose
16 the following sanctions:

17 (1) FOREIGN ASSISTANCE.—The United States
18 Government shall terminate assistance to that coun-
19 try under the Foreign Assistance Act of 1961 (22
20 U.S.C. 2151 et seq.), except for urgent humani-
21 tarian assistance and food or other agricultural com-
22 modities or products.

23 (2) COMMERCIAL EXPORTS.—The United
24 States Government shall restrict—

1 (A) exports, re-exports, and in-country
2 transfers of items to that country pursuant to
3 the Export Control Reform Act of 2018 (50
4 U.S.C. 4801 et seq.); and

5 (B) licenses for a significant range of
6 goods, software, and technology to that country
7 subject to the Export Administration Regula-
8 tions.

9 (3) ARMS SALES.—The United States Govern-
10 ment shall terminate—

11 (A) sales to that country under the Arms
12 Export Control Act (22 U.S.C. 2751 et seq.) of
13 any defense articles, defense services, or design
14 and construction services; and

15 (B) licenses for the export to that country
16 of any item on the United States Munitions
17 List.

18 (4) ARMS SALES FINANCING.—The United
19 States Government shall terminate all foreign mili-
20 tary financing for that country under the Arms Ex-
21 port Control Act (22 U.S.C. 2751 et seq.).

22 (5) DENIAL OF UNITED STATES GOVERNMENT
23 CREDIT OR OTHER FINANCIAL ASSISTANCE.—The
24 United States Government shall deny to that coun-
25 try any credit, credit guarantees, or other financial

1 assistance by any department, agency, or instrumen-
2 tality of the United States Government, including
3 the Export-Import Bank of the United States.

4 (c) REMOVAL OF SANCTIONS.—The President shall
5 remove the sanctions imposed with respect to a country
6 pursuant to this section if the President determines and
7 so certifies to the Congress, after the end of the 12-month
8 period beginning on the date on which sanctions were ini-
9 tially imposed on that country pursuant to subsection (a),
10 that—

11 (1) the government of that country has pro-
12 vided reliable assurances that it will not conduct
13 clandestine attacks on United States personnel; and

14 (2) the executive branch does not have persua-
15 sive information indicating the substantial possibility
16 of a clandestine attack on United States personnel
17 that has resulted in brain injury to such personnel
18 during the preceding six months.

19 (d) DEFINITIONS.—In this section:

20 (1) EXPORT ADMINISTRATION REGULATIONS.—
21 The term “Export Administration Regulations”
22 means the regulations set forth in subchapter C of
23 chapter VII of title 15, Code of Federal Regulations,
24 or successor regulations.

1 (2) UNITED STATES MUNITIONS LIST.—The
2 term “United States Munitions List” means the list
3 of items established and maintained under section
4 38(a)(1) of the Arms Export Control Act (22 U.S.C.
5 2778(a)(1)).

6 **SEC. 6. BRIEFING AND REPORT TO CONGRESS.**

7 (a) BRIEFING.—Not later than 60 days after the date
8 of the enactment of this Act, the President shall provide
9 the appropriate congressional committees and leadership
10 with a briefing covering the contents described in sub-
11 section (c).

12 (b) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the President shall provide
14 the appropriate congressional committees and leadership
15 with a written report covering the contents described in
16 subsection (c), which may include a classified annex.

17 (c) CONTENTS DESCRIBED.—The contents of the
18 briefing and written report described in this subsection in-
19 clude the following:

20 (1) The dates, numbers, and locations of sus-
21 pected clandestine attacks on United States per-
22 sonnel resulting in brain injury.

23 (2) A description of the official roles and re-
24 sponsibilities of United States personnel targeted in
25 such suspected attacks.

1 (3) Information and working hypotheses re-
2 garding the identity of the perpetrators of any such
3 attacks, including an assessment of which foreign
4 states and non-state actors may have the technical
5 capacity to carry out such attacks.

6 (4) Information and working hypotheses re-
7 garding the technical method used to perpetrate
8 such attacks.

9 (5) A description of the process and diagnostic
10 criteria used to screen and identify personnel af-
11 fected by such suspected attacks.

12 (6) Current advisories and other information
13 provided to United States personnel regarding such
14 attacks, including any information about how to rec-
15 ognize, react to, or protect oneself from such at-
16 tacks.

17 (7) A list of foreign persons, entities, or govern-
18 ments sanctioned pursuant to or consistent with this
19 Act.

20 (8) A list of the foreign states that have been
21 démarched regarding such attacks, including the
22 date and the official title of the United States offi-
23 cial delivering, and the foreign official receiving, any
24 such démarche.

1 **SEC. 7. APPROPRIATE CONGRESSIONAL COMMITTEES AND**
2 **LEADERSHIP DEFINED.**

3 In this Act, the term “appropriate congressional com-
4 mittees and leadership” means—

5 (1) the Committee on Foreign Affairs, the Per-
6 manent Select Committee on Intelligence, and the
7 Speaker, the majority leader, and the minority lead-
8 er of the House of Representatives; and

9 (2) the Committee on Foreign Relations, the
10 Select Committee on Intelligence, and the majority
11 and minority leaders of the Senate.