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ATTACKS ON U.S. DIPLOMATS IN CUBA: RESPONSE AND OVERSIGHT

HEARING

BEFORE THE

SUBCOMMITTEE ON WESTERN HEMISPHERE, TRANSNATIONAL CRIME, CIVILIAN SECURITY, DEMOCRACY, HUMAN RIGHTS, AND GLOBAL WOMEN'S ISSUES

OF THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

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ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

ATTACKS ON U.S. DIPLOMATS IN CUBA: RESPONSE AND OVERSIGHT

TUESDAY, JANUARY 9, 2018

U.S. SENATE,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
TRANSNATIONAL CRIME, CIVILIAN SECURITY, DEMOCRACY,
HUMAN RIGHTS AND GLOBAL WOMEN'S ISSUES,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:05 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Marco Rubio, chairman of the subcommittee, presiding.

Present: Senators Rubio [Presiding], Johnson, Flake, Gardner, Menendez, Udall, Shaheen, and Kaine.

Also present: Senators Barrasso and Markey.

OPENING STATEMENT OF HON. MARCO RUBIO, U.S. SENATOR FROM FLORIDA

Senator RUBIO. This hearing of the Subcommittee on the Western Hemisphere, Transnational Crimes, Civilian Security, Democracy, Human Rights and Global Women's Issues is going to come to order. And the title of this hearing is "Attacks on U.S. Diplomats in Cuba: Response and Oversight."

We have one government panel testifying today with the following three witnesses who are here, and we are grateful for you joining us here today, on behalf of the executive branch: Mr. Francisco L. Palmieri, who is the acting assistant secretary of state for the Bureau of Western Hemisphere Affairs, Mr. Todd J. Brown, diplomatic security assistant director of International Programs at the Department of State, and Dr. Charles Rosenfarb, who is the medical director of the Bureau of Medical Services for the Department of State. Thank you all again for being here on this important topic.

There are two goals to the hearing today. The first is to establish the facts of what has occurred, and the second is to conduct oversight over the conduct and the activities of the United States State Department.

Here are the facts as will be testified to today by our panel. In late 2016, staff at the United States embassy in Havana began complaining of strange noises, and among the descriptions that they complained of, high-pitched beam of sound, incapacitating sound, baffling sensation akin to driving with windows partially open in a car, or just intense pressure in one ear. At the time of this report, the post's leadership and the supporting office here in

Washington, DC viewed this activity as harassment from forces hostile to the United States or to U.S. presence in Cuba.

Later, there was information gathered from additional individuals, including some of these, which suggested that the events that led to these complaints actually began as early as November of 2016. The initial events that were reported occurred at diplomatic residences, but later these events occurred at hotels.

Individuals first visited the medical unit at the embassy in December of 2016 and January of 2017. From February through April of 2017, there was an evaluation conducted of 80 members of the embassy community. Sixteen of these were identified with symptoms and medically verifiable clinical findings of some combination similar to what you would see in patients that "have had a mild traumatic brain injury or concussion."

In early July, the Bureau of Medical Services at the State Department convened a panel of academic experts to review case histories and the test results up to that point, and they arrived at a consensus. And the consensus is, and I quote, "The patterns of injuries were most likely related to trauma from a non-natural source." Later in August of 2017, the Brain Injury Center at the University of Pennsylvania reevaluated embassy employees that were reporting symptoms, additional individuals, and incidents prior to April 2014 were added to the list of confirmed cases. Subsequently, two additional individuals reported exposure in mid-August of last year, and those cases were medically confirmed as well, bringing the total number of cases to 24.

While the symptoms may vary, all of the medically-confirmed cases, all 24 of them, have described some combination of the following symptoms: sharp ear pain, dull headaches, ringing in one ear, vertigo, visual focusing issues, disorientation, nausea, and extreme fatigue. As we said earlier, the timeline of the reported incidents are as follows. The initial wave that were reported in December may have begun as early as November of 2016, and they occurred through late March of 2017. From March of 2017 through late April of 2017, there was a sporadic period of reported incidents, then they stopped, and then two additional reports happened in close proximity in August of last year. They were medically confirmed in September.

These are the facts that will be testified to today by our panel, and with that, I turn to the ranking member.

STATEMENT OF HON. ROBERT MENENDEZ,
U.S. SENATOR FROM NEW JERSEY

Senator MENENDEZ. Thank you, Mr. Chairman, and I appreciate that we are starting the new year with a much-needed hearing on the brazen attacks on our diplomats in Cuba, and I would ask that my full statement be included in the record.

Senator RUBIO. Without objection.

Senator MENENDEZ. It is unfortunate that since the news of these bizarre and vicious attacks broke late last summer, we have not seen more public outcry against the Cuban government for whatever scope of ownership it has over these attacks, or more accountability for the health and wellbeing of our diplomats, some of whom continue to suffer lingering health conditions from these at-

tacks. The Castro regime has proven time and time again it is not a responsible actor in the community of nations. The regime cannot be counted upon to uphold its international commitments or responsibilities, and most certainly the regime has no regard for individual human rights, security, or dignity.

The Cuban government may or may not at the end of the day be directly responsible for attacking our diplomats. But as someone who has personally witnessed the modus operandi of the Cuban government, it is unfathomable that the Castro regime, and the intelligence services specifically, were not aware of these attacks. If senior Cuban officials did not directly order these attacks, they must have been aware or given tacit approval to foreign agents to operate in Cuba. The scope of the attacks is too specific. So, I hope to hear some more sound explanations from our witnesses today.

Now, our own diplomats have borne the heavy burden of a simple and changeable truth, and that is that being in a foreign location in terms of your duty runs risk. And in this particular case, no amount of placating, pandering, or diplomatic overtures is going to change that. The Cuban government has tried to undermine their dangerous and irresponsible behavior by undermining the validity of the claims of our diplomats. Why would a regime that has demonstrated its ability to intimidate, oppress, and harm its own citizens give credence to our concerns about the wellbeing of Americans?

They accuse the United States of fabricating the attacks because we have not released the names or diagnoses of the affected people. Of course the Castro regime does not fundamentally understand that in a democratic and free country, citizens have a right to privacy, and to a government that would prioritize their privacy and health over using them as political tools.

And finally, turning to our witnesses, you cannot be accountable for the behavior of the Cuban government or those who were responsible for this. But you are responsible both for the appropriate diplomatic response and the health and safety of our diplomats. And from what I can see, the actions the Department has taken on both counts are simply insufficient and unacceptable.

Despite much-vaunted rhetoric from the President about rolling back ill-conceived policy changes, the reality is that the Cuban government continues to enjoy many of the benefits it received. While the administration may champion its new regulations prohibiting transactions that could benefit the Cuban government, military, intelligence complex, it grandfathered in all contracts that began during the last administration. Furthermore, because the administration took so long to actually announce these guidelines, major companies were able to finalize deals in the months between the administration's announcement of these policies and their implementation.

At the enforcement level, the Office of Foreign Assets Controls remains understaffed with no indication that personnel will be hired. At the State Department, the President has not even nominated an assistant secretary for the Western Hemisphere Affairs. Failing to put critical senior staff in place at the appropriate agencies severely undermines the United States' ability to project our interests and to protect our citizens abroad.

Accordingly, the administration and the Department's reaction to the Cuban government, completely abrogating its obligations under the Vienna Convention to protect our diplomats, is laughable. The fact that somehow the Cuban government has managed to paint a narrative that there were no attacks at all is pretty outrageous. Expelling a handful of diplomats to achieve parity with the number of diplomats who had to be removed from Havana for safety is hardly a bold diplomatic move. When new Treasury guidelines were finally announced, the administration stressed they were not in response to the attack on personnel.

And then turning to the impacted Foreign Service officers themselves. I appreciate the overview that has been provided, but the truth is from the accounts we have heard, the Department's response was simply bureaucratic, inadequate, and troubling. I will have a number of questions later, but let me start by saying the stories we heard are shocking: the failure of leadership at the Department and at post; the sluggish reaction to the initial reports of afflicted personnel; the aloof response of the medical team at the State Department. Silence from diplomatic security to the rest of the Department is simply staggering.

The members of the U.S. Foreign Service made a commitment to serving their country overseas. They agreed to spend their lives, often taking their families with them, in pursuit of promoting American interests and helping Americans abroad. Some serve in combat zones, large embassies and small, and sometimes on communist islands.

According to accounts from those who suffered directly, when diplomats first reported symptoms to the appropriate people at post, they were rebuffed. It is also our understanding that upon finally accepting that the employees were suffering life-altering health consequences, the Department took months to arrange for the appropriate care. It was almost a year before the Department put the embassy on ordered departure status, and only after reports surfaced in the media.

Alarmingly, it is our understanding the Department did not even warn diplomats going to Cuba for permanent or temporary assignments about the risks to their health and the health of their families. As their colleagues were evacuated from Cuba, Department leadership failed to inform the rest of the Department, including those being sent to serve in the place of those being evacuated. Those who have been suffering physically also have remaining questions about whether they will receive appropriate care for the rest of their careers and their lives.

This lack of leadership and responsibility is shocking and unacceptable. I sincerely hope this panel can provide us much-needed answers to a myriad of pressing questions. The Cuban government must be held accountable for its failure to uphold international commitments and failure to protect American diplomats. The Department must be held accountable for executing the appropriate policies and response, and for ensuring the safety, security, and health of the men and women of the Foreign Service.

With that, Mr. Chairman, I look forward to the hearing.

Senator RUBIO. Thank you, and we will begin with our witnesses. Mr. Palmieri, welcome to the committee.

STATEMENT OF HON. FRANCISCO L. PALMIERI, ACTING ASSISTANT SECRETARY, BUREAU OF WESTERN HEMISPHERE AFFAIRS, UNITED STATES DEPARTMENT OF STATE, WASHINGTON, DC

Mr. PALMIERI. Chairman Rubio, Ranking Member Menendez, and distinguished members of the Committee, thank you for the opportunity to speak about the attacks against U.S. diplomats in Cuba and the Department of State's efforts in response. At the outset, I want to thank you for your concern for the safety and security of our diplomatic personnel in Havana. As you know, that is Secretary Tillerson's top priority. It is mine as well.

I am pleased to be here today with my colleagues from the Bureau of Diplomatic Security and the Bureau of Medical Services, with whom the Bureau of Western Hemisphere Affairs has worked closely on this complex issue.

I would also like to emphasize up front that the investigation into these health attacks is ongoing. We have the best experts in the government and the private sector working to help us understand it. At every step in our response to these events, we have worked closely with our medical and technical experts in evaluating health conditions and the nature of the attacks.

I will walk you through a general timeline, which will describe our diplomatic engagement with the Cubans on this issue, and review many of the actions we have taken to date. Then, I will defer to my colleagues to address the security and medical issues.

In late 2016, some members of our diplomatic community serving at U.S. Embassy Havana complained about hearing strange noises and a variety of unexplained physical symptoms. As the Department investigated, we began to see signs suggesting that these events, initially in diplomatic residences and later at hotels, may have begun as early as November 2016. As soon as we identified a pattern connecting these unusual events with certain health symptoms, U.S. officials approached the Cuban government in mid-February to demand it meet its obligations under the Vienna Convention to protect our personnel. The Cubans denied involvement, offered their cooperation, and opened their own investigation.

Since then, we have engaged the Cubans more than 20 times from the working level to the highest level of the Cuban government, both here in Washington and in Havana. In addition to our diplomatic efforts, we prioritized the medical care of our personnel. Dr. Rosenfarb will provide you with additional details.

Separately, we launched a government-wide effort to find the cause and culprits behind these attacks. Apart from the investigation, we have met with U.S. interagency partners more than a dozen times to discuss and refine our response to these attacks.

The attacks initially appeared to occur in clusters, but starting in late March, sporadic attacks continued until late April and then seemed to stop. Beginning in mid-April, we allowed anyone serving at Embassy Havana who did not feel safe at post to return to the United States. We also expelled two Cuban diplomats in May in order to underscore the Cuban government's responsibility to protect our personnel. After a period without any attacks, there were two additional attacks reported in close proximity in late August, which were medically confirmed in September. Based on the re-

sumption of these attacks, Secretary Tillerson ordered the departure of non-emergency personnel from post on September 29th. The Secretary assessed this was the only way to significantly reduce the risk to our diplomats and their families.

As a follow-on to the ordered departure decision, we expelled 15 more Cuban diplomats in October to ensure equity in the impact on our respective operations and to underscore to Cuba its obligation to stop the attacks. These decisions, both to draw down our personnel at Embassy Havana and to expel Cuban diplomats, did not signal a change from President Trump's new policy.

Prior to the Secretary's decision to institute ordered departure, our Embassy held 17 town hall meetings with American staff. Since the return of U.S. diplomats to Washington, we have held a number of meetings with them. Secretary Tillerson personally met with these evacuees to explain his decision to institute ordered departure, and we have organized a number of meetings to address evacuees' concerns.

The wellbeing of the 24 confirmed victims, as well as the wellbeing of all of our evacuees and those remaining in Havana, continues to be our priority as does the ongoing investigation. With that, I will turn it to my colleagues to discuss their areas of expertise, and then I will be happy to answer your questions.

[The prepared statement of Mr. Palmieri follows:]

PREPARED STATEMENT OF FRANCISCO L. PALMIERI

Chairman Rubio, Ranking Member Menendez, and distinguished members of the Committee: thank you for the opportunity to speak about the attacks against U.S. diplomats in Cuba and the Department of State's efforts in response. At the outset, I want to thank you for your concern for the safety and security of our diplomatic personnel in Havana. As you know, that is Secretary Tillerson's top priority. It is mine as well.

I am pleased to be here today with my colleagues from the Bureau of Diplomatic Security and the Bureau of Medical Services, with whom the Bureau of Western Hemisphere Affairs has worked closely on this complex issue.

I would also like to emphasize up front that the investigation into these health attacks is ongoing. I understand that there are ongoing discussions within the committee regarding this matter, and the fact is, there is still much we do not know, including who or what is behind the injuries to our personnel. We have the best experts in the government and the private sector working to help us understand it. At every step in our response to these events, we have worked closely with our medical and technical experts in evaluating health conditions and the nature of the attacks.

I will walk you through a general timeline, which will describe our diplomatic engagement with the Cubans on this issue, and review many of the actions we have taken to date. Then, I will defer to my colleagues to address the security and medical issues.

In late 2016, some members of our diplomatic community serving at U.S. Embassy Havana complained about hearing strange noises and a variety of unexplained physical symptoms. As the Department investigated, we began to see signs suggesting that these events—initially in diplomatic residences, and later, at hotels—may have begun as early as November 2016.

As soon as we identified a pattern connecting these unusual events with certain health symptoms, U.S. officials approached the Cuban government in mid-February to demand it meet its obligations under the Vienna Convention to protect our personnel. The Cubans denied involvement, offered their cooperation, and opened their own investigation. Since then we have engaged the Cubans more than 20 times, from the working level to the highest level of the Cuban government, both here in Washington and in Havana.

In addition to our diplomatic efforts, we prioritized the medical care of our personnel. State Department and private medical experts examined more than 80 post

employees and their families, both in the United States and in Havana. Dr. Rosenfarb will provide you with additional details.

Separately, we launched a government-wide effort to find the cause and culprits behind these attacks. Apart from the investigation, we have met with U.S. interagency partners more than a dozen times to discuss and refine our response to these attacks.

The attacks initially appeared to occur in clusters, but starting in late March, sporadic attacks continued until late April and then seemed to stop. Beginning in mid-April, we allowed anyone serving at Embassy Havana who did not feel safe at post to return to the United States. We also expelled two Cuban diplomats in May in order to underscore the Cuban government's responsibility to protect our personnel.

After a period without any attacks, there were two additional attacks reported in close proximity in late August, which were medically confirmed in September. Based on the resumption of these attacks, Secretary Tillerson ordered the departure of non-emergency personnel from post on September 29. The Secretary assessed this was the only way to significantly reduce the risk to our diplomats and their families.

As a follow-on to the Ordered Departure decision, we expelled 15 more Cuban diplomats in October to ensure equity in the impact on our respective operations and to underscore to Cuba its obligation to stop the attacks. These decisions—both to draw down our personnel at Embassy Havana and to expel Cuban diplomats—did not signal a change in policy.

Prior to the Secretary's decision to institute Ordered Departure, our Embassy held 17 town hall meetings with American staff. Since the return of U.S. diplomats to Washington, we have held a number of meetings with them. Secretary Tillerson personally met with these evacuees to explain his decision to institute Ordered Departure, and we have organized a number of meetings to address evacuees' concerns. The well-being of the 24 confirmed victims, as well as the well-being of all of our evacuees and those remaining in Havana, continues to be our priority, as does the ongoing investigation.

With that, I will turn it to my colleagues to discuss their areas of expertise. Then I will be happy to answer your questions.

Senator RUBIO. Thank you, Mr. Palmieri. Mr. Brown.

STATEMENT OF TODD J. BROWN, DIPLOMATIC SECURITY ASSISTANT DIRECTOR, INTERNATIONAL PROGRAMS, UNITED STATES DEPARTMENT OF STATE, WASHINGTON, DC

Mr. BROWN. Good morning, Chairman Rubio and other distinguished members of the Committee. Thank you for your invitation to appear today to discuss the health attacks involving U.S. diplomatic personnel and their families in Havana. Along with my colleagues, I share your concerns regarding the safety and security of our personnel in Cuba, and welcome any discussion that may lead to a better understanding of this issue and stronger safeguards for our employees.

From a security and investigative standpoint, we continue to work with Embassy Havana to aggressively counter, mitigate, and better understand who and what are causing injuries to our diplomatic staff. Unfortunately, this remains a perplexing case.

Our regional security officer at Embassy Havana first became aware of potential health attacks involving embassy personnel in late December 2016. In the early stages of trying to understand what may be occurring, post leadership and supporting offices in Washington believed it was likely a form of harassment by forces hostile to the United States and our presence in Cuba. As more incidents were reported in early 2017, and greater awareness of the seriousness of symptoms became known, our level of concern and mitigation efforts rose exponentially.

After senior-level meetings with Cuban officials in February outlining Cuba's responsibility to protect diplomats under the Vienna Convention, the regional security officer received confirmation from

Cuban counterparts that the Cuban government was conducting its own investigation into the matter. Senior U.S. officials on Embassy Havana's Emergency Action Committee met frequently as part of our ongoing attempt to better understand the nature of the apparent attack and protect staff. Among other things, the embassy deployed recording devices in staff residences in an effort to better identify or capture the possible source behind the threat, as many victims had associated the attacks with an acoustic event.

After further investigative attempts and expert analysis failed to identify the cause or perpetrator, the Federal Bureau of Investigation opened a case in early May. An FBI team has since visited Havana several times and met with Cuban officials. The FBI's investigation has interviewed victims and conducted surveys of the residences and hotel rooms. However, the investigation remains ongoing, and we would refer all specific questions concerning the investigation to the FBI.

Thank you. I will be glad to answer any questions you may have.

[The prepared statement of Mr. Brown follows:]

PREPARED STATEMENT OF TODD J. BROWN

Good morning Chairman Rubio, Ranking Member Menendez, and other distinguished members of the Committee.

Thank you for your invitation to appear today to discuss the health attacks involving U.S. diplomatic personnel and their families in Havana. Along with my colleagues, I share your concerns regarding the safety and security of our personnel in Cuba, and welcome any discussion that may lead to a better understanding of this issue and stronger safeguards for our employees.

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Thank you. I will be glad to answer any questions you may have.

Senator RUBIO. Thank you. Dr. Rosenfarb.

STATEMENT OF CHARLES ROSENFARB, M.D., MEDICAL DIRECTOR, BUREAU OF MEDICAL SERVICES, UNITED STATES DEPARTMENT OF STATE, WASHINGTON, DC

Dr. ROSENFARB. Good morning. Chairman Rubio, Ranking Member Menendez, and distinguished members of the Committee. Thank you for the opportunity to testify on the Department's response to the recent health attacks in Havana. I will be describing the evolution of the medical response and what we currently know about the health effects.

From the individual and public health perspective, managing this evolving situation is challenging. Mission personnel describe a multitude of symptoms, many of which are not easily quantifiable and not easily attributable to a specific cause. The sharing of information that occurs in a small, tight-knit community has helped identify more affected personnel, but, as typically is the case with any community outbreak, also can complicate an epidemiological investigation. However, the most challenging factor is the lack of certainty about the causative agent and, therefore, the precise mechanism of the injuries suffered.

Individuals first visited our medical unit in Embassy Havana starting in late December 2016 and January 2017, reporting various symptoms including headache, ear pain, dizziness, and hearing problems. They associated the onset of these symptoms to their exposures with unusual sounds or auditory sensations. Various descriptions were given: a high-pitched beam of sound, an incapacitating sound, a baffling sensation akin to driving with the windows partially open in a car, or just an intense pressure in one ear.

Since the symptoms first reported primarily affected auditory functions, an otolaryngologist at the University of Miami, highly experienced in evaluating acoustic injuries in military personnel, was identified to perform additional assessments. Between February and April of last year, this specialist evaluated 80 members of the Embassy community. Of the individuals evaluated in this initial tranche, 16 were identified to have symptoms and medically verifiable clinical findings of some combination similar to what might be seen in patients following a mild traumatic brain injury or concussion.

In early July, my office convened a panel of academic experts to review the case histories and the test results gathered to date. Although the assembled group identified that some of the symptoms and findings could be caused by other things such as viral illnesses, previous head trauma, aging, and even stress, the consensus was that the patterns of injuries that had so far been noted were most likely related to trauma from a non-natural source. In light of the emerging clinical parallels to mild traumatic brain injury, the nationally-recognized Brain Injury Center at the University of Pennsylvania was identified to provide detailed reevaluations of employees with prior exposures, and to evaluate embassy community members who reported new exposures.

As a result of further evaluations begun in late August, additional individuals with exposures that occurred prior to April 24th were added to the list of confirmed cases. Two other individuals who reported exposures that occurred in mid-August 2017 were

also medically confirmed as cases, bringing the total number of cases to 24.

I would like to now describe the health effects identified so far. While descriptions of the reported auditory sensations have varied, all medically confirmed cases have described some combination of the following symptoms beginning within minutes to hours of their exposure of the event: sharp, localized ear pain, dull unilateral headache, tinnitus or ringing in one ear, vertigo, visual focusing issues, disorientation, nausea, and extreme fatigue. In many of the patients, the acute symptoms seemed to resolve within days to weeks, but other health issues emerged that were more persistent. These have included: cognitive problems, including difficulty with concentration, working memory and attention, recurrent headache, high-frequency unilateral hearing loss, sleep disturbance, and imbalance walking. As in the acute phases, the duration and severity of these later symptoms have varied widely.

Defining the prognosis for the confirmed cases is extremely difficult since no precise analogue for this possibly novel syndrome exists. Some patients remain symptomatic months after their exposure. The persistent symptoms have improved to varying degrees in all individuals, some after extended rehabilitative therapy, some over time without treatment. Ten of the 24 patients have returned to either full- or part-time work, while others continue to receive treatment with an anticipation of return to duty. However, at this time we are unable to state whether or not the injuries may result in adverse long-term consequences to the individuals' future health or functional abilities.

All government personnel who travel to Havana on official duty now receive a detailed medical briefing and are encouraged to undergo pre-deployment screening, including baseline audiograms and neurocognitive testing. We have formally requested assistance from the Centers for Disease Control for performing a broader epidemiological analysis and providing appropriate medical information to the American public. Discussions have also been held with the National Institute of Neurological Disorders and Stroke at the National Institutes of Health regarding its participation in ongoing medical investigations.

I look forward to your questions.

[The prepared statement of Dr. Rosenfarb follows:]

PREPARED STATEMENT OF CHARLES ROSENFARB

Chairman Rubio, Ranking Member Menendez, and Distinguished Members of the Committee:

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Between February and April of last year, this specialist evaluated eighty members of the Embassy community. Of the individuals evaluated in this initial tranche, sixteen were identified to have symptoms and medically verifiable clinical findings of some combination similar to what might be seen in patients following mild traumatic brain injury or concussion.

In early July, my office convened a panel of academic experts to review the case histories and the test results gathered to date. Although the assembled group identified that some of the symptoms and findings could be caused by other things such as viral illnesses, previous head trauma, aging, and even stress, the consensus was that the patterns of injuries that had so far been noted were most likely related to trauma from a non-natural source.

In light of the emerging clinical parallels to mild traumatic brain injury, the nationally-recognized brain injury center at the University of Pennsylvania was identified to provide detailed reevaluations of employees with prior exposures and to evaluate Embassy community members who reported new exposures. As a result of further evaluations begun in late August, additional individuals with exposures that occurred prior to April 24 were added to the list of confirmed cases. Two other individuals who reported exposures that occurred in mid-August 2017 were also medically confirmed as cases, bringing the total number of cases to 24.

I would like to now describe the health effects identified so far. While the descriptions of the reported auditory sensations have varied, all medically-confirmed cases have described some combination of the following symptoms beginning within minutes to hours of the event: sharp, localized ear pain; dull unilateral headache; tinnitus in one ear; vertigo; visual focusing issues; disorientation; nausea; and extreme fatigue. In many of the patients, the acute symptoms resolved within days to weeks, but other health issues emerged that were more persistent. These have included: cognitive problems, including difficulty with concentration, working memory, and attention; recurrent headache; high-frequency unilateral hearing loss; sleep disturbance; and imbalance walking. As in the acute phase, the duration and severity of these later symptoms have varied widely.

Defining the prognosis for the confirmed cases is extremely difficult since no precise analogue for this possibly novel syndrome exists. Some patients remain symptomatic months after their exposures. The persistent symptoms have improved to varying degrees in all individuals, some after extended rehabilitative therapy, some over time without treatment. Ten of the 24 patients have returned to either full or part-time work, while others continue to receive treatment with an anticipation of return to duty. However, at this time we are unable to state whether or not the injuries may result in adverse long-term consequences to the individuals' future health or functional abilities.

All government personnel who travel to Havana on official duty now receive a detailed medical briefing and are encouraged to undergo pre-deployment screening including baseline audiograms and neurocognitive testing. We have formally requested assistance from the Centers for Disease Control for performing a broader epidemiological analysis and providing appropriate medical information to the American public. Discussions have also been held with the National Institute of Neurological Disorders and Stroke at the National Institutes of Health regarding its participation in the ongoing medical investigation.

I look forward to your questions.

Senator RUBIO. Thank you. Dr. Rosenfarb, I will start with you. Is it fair to say that by May 1st—you said you saw the confirmed cases, February through April of 2017. Is it fair to say by May 1st or early May, we were aware that at least 16 U.S. government employees and/or dependents had suffered a serious injury while working in Havana for the U.S. government?

Dr. ROSENFARB. Senator, it is fair to say that we were aware that 16 people had suffered some type of injury. As I said——

Senator RUBIO. Were they—was it serious?

Dr. ROSENFARB. In some individuals, the symptoms were more serious than others.

Senator RUBIO. Well——

Dr. ROSENFARB. There was a whole spectrum of symptoms that we saw and findings——

Senator RUBIO. Let me ask you this. Was there a single—of the 16, at least one U.S. government employee working in Havana suffered serious injury? Is it fair to say at least one suffered serious injury?

Dr. ROSENFARB. I would say many suffered serious injury. Anything——

Senator RUBIO. Let me tell you why I asked that, because, Mr. Palmieri, according to the law, in any case of serious injury related to a U.S. government mission abroad, the Secretary of State shall convene an accountability review board. The law allows—that has to happen within 60 days of the occurrence of an incident, and it allows for a 60-day delay if the Secretary determines that an additional period is necessary for the convening of the board. So, by my calculation, by early May, we knew that at least one, if not several, as Dr. Rosenfarb has testified, suffered serious injury. By early July, on the 60-day period, and certainly by early September, the whole 120-day period, an accountability review board should have been set up.

I got a letter on November 6th saying that there was still not an accountability review board, that the Secretary had decided to delay for 60 days in order to determine whether one was even necessary. It says, "Allow additional time for the investigation to yield more information to better inform the decision of whether to convene an ARB." Has an accountability review board been set up as of this date, and why was it not set up, as according to law, within the 120-day period?

Mr. PALMIERI. Sir, thank you for that question. The Secretary has made a decision to convene an accountability review board. There will be a congressional notification sent shortly.

Senator RUBIO. Why was it not done within 120 days of May 1st when we knew that there was serious injury?

Mr. PALMIERI. Throughout this process, there has been a lot of information that we knew or at times was then later contradicted. Throughout this process, we have not been able to identify who the perpetrator of such attack was and what the means of that attack was. It was only until late August when there was another round of attacks that it became apparent to us that we should begin the process of looking at an accountability review board.

Senator RUBIO. Well, that is not what the law reads. It says, "In any case of serious injury, loss of life," et cetera, et cetera, "related to a United States government mission abroad." It does not say that you need to know who did it. In fact, that is one of the reasons for an accountability review board. The bottom line is the State Department did not follow the law in setting one up within the 120-day period in my opinion, and I believe in the opinion of others, given the fact that by early May we knew serious injury had occurred to U.S. personnel and their dependents related to their service in a government mission abroad. It was not one person, it was several people, as has been testified here.

Now, we first heard of the complaints in late 2016. And, Mr. Brown, you testified the conclusion was that this was forces hostile to the United States and/or hostile to our presence in Cuba. Is that correct?

Mr. BROWN. That is correct. Initially, we felt that it was a form of harassment, and that was attributed to the government.

Senator RUBIO. Mr. Palmieri, do you know when Secretary Kerry was made aware? This was a State Department conclusion that there was harassment, correct?

Mr. BROWN. Yes, sir, that was the early opinion of the security professionals who looked at it, that it was likely a form of harassment.

Senator RUBIO. Okay. When was Secretary Kerry made aware? Do you know?

Mr. PALMIERI. I do not know. I will have to check the record, Senator.

Senator RUBIO. Do you know if President Obama was ever made aware?

Mr. PALMIERI. I know that as a regular matter, we would have apprised the National Security Council at some point after the late December information became apparent.

Senator RUBIO. What about Secretary Tillerson? When was he—when was he first made aware?

Mr. PALMIERI. I would believe that would have been in late February, sir.

Senator RUBIO. Okay. Do you know if the Trump Transition Team was made aware during the transition period?

Mr. PALMIERI. I did not have contact with them on this issue. I am not aware if anyone else did, sir.

Senator RUBIO. Now, in December 2014, President Obama changed policy towards Cuba. We set up the embassy. We had to expand personnel, did we not, in Havana? We added personnel to expand the mission.

Mr. PALMIERI. I would have to go back to check the record, but, yes, that probably makes sense.

Senator RUBIO. And we also had to secure housing, and we provided—so we had to secure housing for the additional mission in Havana.

Mr. PALMIERI. That would be normal practice, yes, Senator.

Senator RUBIO. And in Cuba, we would have to provide the Cuban government the list of all of the U.S. government employees that were moving to Havana to work at the mission. That is just a matter—a matter of course, correct?

Mr. PALMIERI. We would have solicited visas for the additional personnel, yes.

Senator RUBIO. And the residences in Cuba, since there is no real private property, all of these residents would have been owned by the Cuban government.

Mr. PALMIERI. That is my understanding, too, sir.

Senator RUBIO. The hotels where these attacks happened were owned by the Cuban government. That is for sure.

Mr. PALMIERI. That is correct.

Senator RUBIO. Okay. What security measures did we take, Mr. Brown, in this expansion on these residences?

Mr. BROWN. Senator, I mean, to talk a little bit about residential security, I think historically from a crime perspective, political violence perspective, there were—there were not features sort of related to that. Our concern, and I believe the Cuban government selected—was aware of which housing our personnel would go into. Our housing profile is fairly compact. There are not specific security measures in a—in a high CI, counterintelligence type environment, so there would not have been any other physical security in relation to the residences that were in place other than the location. And certainly based on a history in Cuba, we did not have—beyond the harassment element, we did not have, you know, a high crime—high crime statistics or anything related to political violence.

So, there would not have been any residential measures taken above and beyond what was already in place.

Senator RUBIO. My final question is for you, Mr. Brown, and you, Dr. Rosenfarb. Based on what we know and, more importantly, what we do not know, can you today guarantee the safety of any personnel in Havana currently stationed there or about to be deployed to Havana? Do we know what they can do to protect themselves from these sorts of injuries? Can we guarantee that today if we send someone there, they are safe from these injuries?

Mr. BROWN. Senator, I do not think we can say categorically that we can guarantee that they would be safe from this. Certainly, we have—not knowing what is causing it, or who is behind it, or how it is being done gives us very little in terms of mitigation. What we have done is address sort of being sure that our community in Havana is well aware of what has happened, to provide advice on how to respond to that, to have teams in place that then can respond, and how to report those types of incidents.

So, we have done a lot of work in terms of elevating the knowledge of the personnel that are——

Senator RUBIO. I guess to cut to the chase, Mr. Brown, if I were being deployed to Havana today to work in the embassy and I asked you, what can I do to protect myself from the sort of thing that has happened, you do not know what I can do to protect myself since we do not know what it is they used to attack them.

Mr. BROWN. That is true, Senator. Our guidance would be in the event of something to what has taken place, to react in a certain manner. That is a reactive matter, not a mitigation measure.

Senator RUBIO. Dr. Rosenfarb, do you have any advice for people that are being deployed to Havana, how they can protect themselves from this?

Dr. ROSENFARB. Well, we try and educate those who have to go down there for government business and make sure they are aware of the risk, and make sure—make sure they are aware of what we know about the symptoms that have occurred. As far as we know right now, the only mitigation factor is to limit your exposure. We inform people that should they hear or feel a sensation, to move away as quickly as possible.

We know from our patients who already have been there that the less exposure the better. We also do pre-deployment screening now to ascertain hearing, baseline cognitive function. So, should they report any concern, we are able to measure what they are currently

at compared to the previous status and get them the health care they need.

Senator RUBIO. The ranking member.

Senator MENENDEZ. Thank you, Mr. Chairman. Mr. Chairman, unfortunately I am going to have to go the White House for an immigration meeting, so I am going to have a series of questions for the record. I do have some questions here now, but I was looking forward to a second round, so I hope those questions will be answered.

Senator MENENDEZ. First, listening to this set of answers, the times in which we used to have children put their head underneath their desk during an air raid drill for a nuclear attack comes to mind. Ridiculous. Move away from a sound that you are hearing. It is pretty amazing to me.

Let me ask, the Democratic offices of this committee have requested a classified briefing on this issue in early December. To date that briefing has not taken place. Do you commit to providing a classified briefing for this committee?

Mr. PALMIERI. Absolutely, Senator.

Senator MENENDEZ. And given the nature of the hearing and the fact that so much is tied to classified information, do you commit to accepting and responding to classified questions for the record?

Mr. PALMIERI. Yes, sir.

Senator MENENDEZ. All right. Now, Mr. Palmieri, would it not be fair to say that in Cuba, either it is the regime who conducted these attacks, or they have full knowledge of who conducted these attacks because the state security apparatus in Cuba is one that has every element of Cuban society and life fully monitored and engaged. Very difficult to believe that if a third country ultimately engaged in these attacks within Cuba, that the Cuban intelligence would not know. Is that a fair statement?

Mr. PALMIERI. Yes, sir.

Senator MENENDEZ. All right. So, either it is the Cubans or it is someone else. Now, under the possibility that it is someone else, and I think the administration has recognized that one possible explanation for these attacks on U.S. personnel is a third country, possibly in collaboration with the Cuban government or at least with its knowledge, or if it was not with its knowledge, they know who it is, and they have not come forth, as I understand. Is that a fair statement? Has the Cuban government suggested who this might be if it is not them?

Mr. PALMIERI. No, not that I am aware of.

Senator MENENDEZ. So, in the theory for a moment that it is a third country, in December of 2016, around the same time these attacks first started, the Cuban and Russian government signed a new defense cooperation agreement, including cooperation on a series of new technologies. And I would like to introduce two press articles regarding this agreement for the record, Mr. Chairman.

[The information referred to was not available at time of print]

Senator MENENDEZ. Has the State Department raised attacks against U.S. personnel in Cuba with the Russian government, for example?

Mr. PALMIERI. Sir, I think I would—that is a very good question. I think it would be better to address that issue in a classified setting.

Senator MENENDEZ. Okay. So, if I were to go to a list of other countries, you are going to give me the same answer.

Mr. PALMIERI. In general, yes, sir.

Senator MENENDEZ. Yes, you are going to give me the same answer.

Mr. PALMIERI. Yes.

Senator MENENDEZ. All right, so I will look forward to that classified moment. Now, let me ask you—let me ask you this. You have said that you will not return individuals if, in fact—individuals to the post if—unless the Cubans can guarantee that these attacks will not continue. Does that not indicate that you believe that the government has at least some knowledge of control over these attacks?

Mr. PALMIERI. The President and the Secretary have stated that they do believe the Cuban government has responsibility in this situation.

Senator MENENDEZ. Dr. Rosenfarb, when was the first time a diplomat reported symptoms of an attack?

Dr. ROSENFARB. The first symptoms were seen—the first patients were seen by our health provider in the medical unit in Embassy Havana in mid-January.

Senator MENENDEZ. Mid-January of?

Dr. ROSENFARB. 2017.

Senator MENENDEZ. Of 2017. Do we know when the Chargé was first informed of these attacks?

Mr. PALMIERI. I believe the Chargé alerted these attacks at the—at the very end of December of 2016.

Senator MENENDEZ. So, we say that some of these attacks took place in May of 2016, right?

Mr. PALMIERI. There was a cluster of attacks that occurred between March and mid-April. I do not believe there was an attack in May. I would have to go back to the timeline.

Senator MENENDEZ. Okay. So, if it is March or mid-April of 2016, and you——

Mr. PALMIERI. I am sorry. Excuse me, Senator. I meant 2017.

Senator MENENDEZ. 2017, okay. So, let me ask you this. Was the Chargé informed of the severity of the attacks? Was he advised that the effects of the attack could be permanent?

Mr. PALMIERI. He was informed of the attacks in late—in late December, sir, of 2016. At that point, I do not believe we knew or we had information about the severity or the depth of the attacks.

Senator MENENDEZ. When diplomats reported symptoms to the regional security officer and medical team, why did it take so long to respond?

Mr. BROWN. Senator, I believe—to try to clarify how—sort of how this sort of timeline from an investigative standpoint took place, it was December 30th in 2016 when it was first brought to the attention of the regional security officer and the front office of the embassy. At that time, it was not clear, you know, what was taking place, nor were there related severe medical symptoms. They just simply did not know.

And at that point, that is when they thought it might be some form of harassment, and the regional security officer did note it in a report back to Washington along with other reports it was in. So, that is when they first sort of had this notice of what was—what was happening. Then there was this long gap that nothing new happened.

So, this—you know, this case is sort of amplified by how perplexing and knowledge gaps, but they did seize on this early indicator that something odd had happened. And then I believe it was late—you know, this was considered a form of harassment early on, and then it was not until early February when new incidents were reported, there was sort of this moment of we have got something bigger happening here.

Senator MENENDEZ. Why were diplomats who were affected told not to share their symptoms or concerns with family members?

Mr. BROWN. I am not aware that that was ever done, sir.

Senator MENENDEZ. Would you review it because I think if you talk to these individuals, they will tell you that they were told not to share their symptoms or concerns with family members. Let me ask you this. When did you first learn that employees were suffering symptoms associated with traumatic brain injury?

Dr. ROSENFARB. We medically evacuated the first patient, I think it was February 6th, 2017. And like I testified, over the next 2 months, we evacuated 40 more people, but we also had the specialist from Miami go to Havana and assess more people. As we saw more and more patients and the specialist was able to do the evaluations and do the objective assessments, it became—the pattern of injuries became consistent with what I testified as being most likely a version of traumatic brain injury or concussion. It was an accumulation of information and findings over that 2 months.

Senator MENENDEZ. Mr. Palmieri, for these employees who were or are currently being treated, will the Department continue to cover all their medical care?

Mr. PALMIERI. I would refer that question to the Office of Medical Services, Senator.

Senator MENENDEZ. Okay, Dr. Rosenfarb can answer it.

Dr. ROSENFARB. We are committed to do everything we can under existing authorities to provide the care and the—and support that our employees need.

Senator MENENDEZ. Do those existing authorities suggest that there are some limitations to the treatment you will give these employees?

Dr. ROSENFARB. We are—there may be some limitations that family members over the course—because what happened—people who are injured—employees injured in the course of duty would be covered by the worker's compensation law. Family members would not be.

Senator MENENDEZ. Well, I would ask you in response to my questions to give the committee a full sense of what limitations there are. I do not think that when we send a diplomat abroad who is attacked by whomever, at the end of the day, that their health and wellbeing should be limited in terms of our response to them. I think you want to send a global message to all of our men and

women abroad that if they are attacked, they will be taken care of just as we would to any of our veterans. And I consider them in this respect a veteran of our diplomatic efforts, which are equally as important. So, I would like to see what limitations there are, if any, and then work with the chairman and others to see if we can respond to that.

I have plenty of other questions, but I will look forward to your answers in writing.

Senator RUBIO. Thank you. Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman. I am not sure who to direct this to, but let me first say I do agree with Mr. Brown there. This is a pretty perplexing case. Does anybody know how many different locations this has been perpetrated at?

Mr. BROWN. Senator, I do not have the exact number of locations, but it was—it was several residences. It was no official facilities, and there were two hotels, I believe.

Senator JOHNSON. Okay. Are you aware of these types of symptoms with any other Cuban nationals or people that were not associated with the United States diplomatic corps? Any reports of something similar to others?

Mr. PALMIERI. Subsequent to the issuance of our travel warning on or about October 1st of 2017, there have been 18 American citizen reports to the Department's Bureau of Consular Affairs. That information has been shared with the investigators.

Senator JOHNSON. Of those—of all the reports, what percentage approximately is there an audible type of attack as opposed to just starting to feel ill, or dizzy, or experiencing vertigo? I mean, is there always associated with it some kind of high-pitched sound or something?

Mr. PALMIERI. Senator, you are referring to the attacks against the diplomats. We do not have information about the attacks on individuals.

Senator JOHNSON. Okay, with the diplomats, I mean, how many—how often is that? Is it a hundred percent of the time there is—they hear something or?

Dr. ROSENFARB. The vast majority of the 24 cases reported hearing or feeling some auditory sensation.

Senator JOHNSON. When you say, "feel auditory sensation," something you just—feeling a fluttering in your ear or something? Like, say, the capitation you hear or capitation with the window lowered in your car, that type of thing?

Dr. ROSENFARB. Right, the descriptions of the sensations vary quite a bit. Some feel more like a vibration. Some report a loud sound. The descriptions have varied, though.

Senator JOHNSON. Have we ever set up any kind of monitoring device in any of those residences?

Mr. BROWN. Yes, sir, we have provided off-the-shelf recording devices that are geared to record high-frequency sounds. We have successfully recorded some sounds and turned those over to investigators.

Senator JOHNSON. Okay, that is interesting. When you recorded those sounds, did people exhibit the symptoms?

Mr. BROWN. I believe that some of those at least were associated with individuals who later showed symptoms, but I would defer to the doctor also to comment on that.

Senator JOHNSON. Dr. Rosenfarb, are you aware of any type of technology that would cause this?

Dr. ROSENFARB. No, I am not.

Senator JOHNSON. Again, not do you know exactly what caused this, but are you aware of some kind of auditory type of weapon that could cause this type of damage?

Dr. ROSENFARB. No, I am not, sir.

Senator JOHNSON. Mr. Palmieri, do you know if the United States government is aware of any?

Mr. PALMIERI. No, I do not, sir.

Senator JOHNSON. Dr. Rosenfarb, I take Senator Rubio's description of the ARB and what is required by law, but as a medical doctor, it seems like you hopped on this pretty quick, and we had experts come in February 2017, literally within a month, month and a half of when embassy personnel were even made aware of this. Short of a full-scale ARB, from a medical standpoint, is there anything else—any regrets you have in terms of things you did not do?

Dr. ROSENFARB. No, no regrets, sir. I think it is important to remember that when I said, "serious injuries," at the time the injuries were as serious as any acute injury would be. One thing that has not become clear and still not certain is what, if any, their long-term consequences would be. Someone can suffer serious injury, but may improve completely. At that point, you know, they are able to go on and do not have any health consequences.

Each step of the way, we identified where we had information gaps. We sought to fill those gaps. We got the best care we could find for our personnel, and we made decisions based on the information we had at each point of the investigation.

Senator JOHNSON. So, you can suffer an injury from an illness, but at what point do you believe an injury was caused by some type of attack, or are you still not certain of that?

Dr. ROSENFARB. After our discussion with the panel of academic experts in July when the panel reviewed other possible explanations, each explanation seemed to have holes in it. And the panel felt that the one explanation that could probably best explain—was most likely to explain it was that there was some non-natural incident that had caused the injuries.

Senator JOHNSON. Yeah, that was in July 2017.

Dr. ROSENFARB. Yes.

Senator JOHNSON. But my final question, how many embassy personnel have requested relocation, or was that just a decision made by the State Department to move people or the medical corps?

Mr. PALMIERI. There were eight individuals who requested departure from Havana before the Secretary's decision that moved the post to an ordered departure status where we removed all but emergency personnel.

Senator JOHNSON. So, were those requests granted?

Mr. PALMIERI. Yeah, anyone who wanted to depart post was allowed to depart post.

Senator JOHNSON. Okay. Thank you, Mr. Chairman.

Senator RUBIO. Senator Shaheen?

Senator SHAHEEN. Thank you, Mr. Chairman, and thank you all for testifying today. I think this committee had a classified briefing on this issue in October. Mr. Palmieri, you suggested that there was information that you could only share in a classified briefing. Is there new information that has come to light since that classified briefing about what has occurred in these instances?

Mr. PALMIERI. I think it would benefit the committee for us to come up and do an additional classified briefing. There have been developments since the October briefing. I know we have tried to keep the committee informed to the best of our ability, and there has been—it would be worthwhile, yes, Senator.

Senator SHAHEEN. There is an AP headline, a story from yesterday, which you all may have seen, which says that the FBI doubts a sonic attack. And I would just read briefly: "The FBI report," which has not been release publicly, "is the clearest sign to date of the U.S. ruling out the sonic weapon theory." The report says, "The FBI tested the hypothesis that air pressure waves via audible sound, infrasound, or ultrasound could be used to clandestinely hurt Americans in Cuba and found no evidence." Do you believe that this report is accurate that was in the AP story?

Mr. BROWN. Senator, perhaps I could comment. It is an FBI report, and I would hesitate on the FBI findings at this point.

Senator SHAHEEN. Mr. Chairman, did we ask the FBI if they would come and testify before this committee about this issue?

Senator RUBIO. We did not. The FBI generally will not testify because of jurisdictional issues with Judiciary.

Senator SHAHEEN. Is there a way for us to get the information from this FBI report in a classified briefing?

Senator RUBIO. There is, and I think that is one of the things Senator Menendez was asking about.

Senator SHAHEEN. I think that would be very helpful. Mr. Brown, how has the Cuban government responded to these attacks, and have they been cooperative in the investigations?

Mr. BROWN. Senator, I am not—I am not aware that they have been uncooperative. I know that we have had our own investigative team that went down in May, and they had no difficulties in at least entering the country, and certainly working the case in terms of just the U.S. mission. I am also unaware that the FBI has encountered any difficulties in terms of coming in and out of the country for investigative purposes.

Beyond that, I do know that the Cuban government said they would also conduct a parallel investigation, so to speak. I understand that the embassy has noted increased security, Cuban security presence in our—in our residential areas purportedly in response to this issue, but I honestly do not know if that has—is any legitimate attempt on their part to uncover. But it has been noted that there is increased security by the Cubans in those residential areas.

Senator SHAHEEN. Mr. Palmieri, knowing what you know about the way the Cuban government operates, do you believe that there could have been deliberate attacks on our personnel without the Cuban government knowing about it?

Mr. PALMIERI. I find it very difficult to believe that. Cuba is a security state. The Cuban government in general has a very tight lid on anything and everything that happens in that country.

Senator SHAHEEN. And have they been more responsive because we asked them to remove their embassy personnel? Has that produced any change in their behavior?

Mr. PALMIERI. The Cuban government, since we expelled their personnel in October, has engaged in a pattern of trying to discredit the theories related to these attacks. I do not think that is a helpful posture for it to take.

Senator SHAHEEN. Have they actually investigated the attacks themselves, Mr. Brown?

Mr. BROWN. According to the Cuban authorities, they said that they were opening a parallel investigation, but beyond that, I am unaware of what they have done or what they have uncovered. Perhaps that could be a question posed to FBI investigators.

Senator SHAHEEN. So, we have not—the State Department has not seen the results of any report that they have done.

Mr. BROWN. Not that I am aware of, no.

Senator SHAHEEN. Given——

Mr. PALMIERI. Senator, if I could clarify that last point.

Senator SHAHEEN. Yeah.

Mr. PALMIERI. We did have a law enforcement dialogue in September where they did share with the Department a document that they purported to be the results of their preliminary investigation into this matter.

Senator SHAHEEN. And did it shed any light on or provide any information that we did not already have?

Mr. BROWN. I have not seen the report, Senator, but I am not aware that any new information surfaced due to a Cuban investigation.

Senator SHAHEEN. My time is up, but if I could just ask one more question, Mr. Chairman. Mr. Palmieri, as someone who has watched Cuba for some time, given the change in American policy during the Obama administration to resume a diplomatic relationship with Cuba, and to begin to resume other commercial and other ties with the country, is there any reason to think it would be in Cuba's interest to make deliberate attacks against our embassy personnel at a time when there was an effort to resume ties with the country?

Mr. PALMIERI. I am loath to speculate on Cuban government intentions. However, there is a long history and pattern of Cuban harassment of U.S. diplomats stationed in Havana. It is entirely possible that they could have escalated that pattern of harassment and caused these incidents. In whatever case, they are responsible for the safety and security of U.S. diplomats stationed in Havana under the Vienna Convention.

Senator SHAHEEN. Right.

Mr. PALMIERI. And they have failed to live up to that responsibility.

Senator SHAHEEN. Thank you. Thank you, Mr. Chairman.

Senator RUBIO. Thank you. Senator Udall.

Senator UDALL. Thank you very much, Mr. Chairman. I obviously care, like you do, very much, and I think all of us here, about

our personnel overseas, and if they get harmed, and making sure that they get adequate medical personnel. And, Doctor, you seem to suggest that they get the care, and that some of the care they—you were drawing lines. Some may be workmen's comp. Others may be that they were not serving in the line of duty, something along that line. Of the 24 cases, which of those would you say are workmen's comp? Were they off duty? Were all of them off duty, or some of them on duty situations in the hotel, the two hotels and at the residence?

Dr. ROSENFARB. All 24 are getting the best care available.

Senator UDALL. And you plan to keep that care, the best care available like you are talking about.

Dr. ROSENFARB. Right. As individuals, they have the option to seek any care they want. In terms of a worker's comp issue, that—in terms of—that determines how that care is paid for. Any U.S. employee working at an embassy, we consider this an occupational exposure. Therefore, we are encouraging our personnel and employees to make a claim with the Department of Labor for worker's compensation. The issue on the compensation is it may be won for any eligible family member who might be affected because they are not the employee.

Senator UDALL. Yeah, but are you aware of any of these 24 individuals or additional individuals who are now paying for their medical care because the government will no longer provide it?

Dr. ROSENFARB. Right. So, no one is actually paying for their medical care right now directly. We have authorities to medically evacuate personnel, and to be—we seek reimbursement from the medical insurer, the primary medical insurer first. But we have committed to providing what we call secondary payer benefits to personnel who are affected overseas. We have authority to do that for up to a year, potentially longer, again, primarily for employees, but we also have benefit—able to do that for a period of time for family members as well.

Senator UDALL. Yeah.

Dr. ROSENFARB. So, there are no out-of-pocket expenses that are incurred by any of the employees or family members right now.

Senator UDALL. Okay. Now, Senator Shaheen read the recent AP story where the FBI concluded that this was not a sonic attack and basically ruled that out. As you know, the FBI took a number of trips to Cuba. They interviewed down there. They were very, very thorough in terms of what they did. And so, them coming out with this report, which you cannot comment on, would you tell us what your theories are of what happened? They have ruled that out. What are your theories of what you think happened?

Mr. BROWN. There has been—you know, when this thing has been looked at an investigative standpoint, I do not think that solely the acoustic element has been looked at, you know. From the very beginning, even going back into late February when we sort of had that moment of a medical element associated with this, that it was shared with the interagency community of what possibly could be, you know, happening in Havana. And though these events were associated with an acoustic element, they were still looking at other possibilities.

And so, I am not familiar with the FBI. I know this report was not put out publicly. If——

Senator UDALL. But what are your—they have ruled that out. Have you ruled it out, or do you still have——

Mr. BROWN. Well, I do not know that I would rule it out entirely. The acoustic element could be used as a masking, you know, piece of it.

Senator UDALL. So, on what basis then are you claiming that it is acoustic?

Mr. BROWN. I am not claiming that it is acoustic. I just know that there has been an acoustic element associated with the sensations and the feelings. If the FBI has determined that that is not the case, which I have not seen this report and I do not think it has been released publicly, that does not mean that an acoustic element could not be part of another type of, you know, style of attack here. And I do know that other types of attacks are being considered in connection with this.

Senator UDALL. And what are those?

Mr. BROWN. I think there is viral. There is ultrasound. You know, there is a range of things that the technical experts are looking at as could this be a possibility.

Senator UDALL. So, when you say "viral," you are talking about somebody intentionally implanting a virus.

Mr. BROWN. That would not be ruled out. That could be a possibility.

Senator UDALL. And then other—ultrasound you are saying?

Dr. ROSENFARB. Yeah, I have seen sort of the range of what possibly could be taking place beyond sort of the acoustic element, and those are some of the things that have been mentioned to be looked at. And in some cases, they have been ruled out from experts. They do not know how that could be done in that fashion, so.

Senator UDALL. I see my time is up, Mr. Chairman. I would like a second round, but——

Senator RUBIO. Go ahead now.

Senator UDALL. Okay, no, that is——

Senator RUBIO. We are all alone here.

Senator UDALL. Okay, we are all alone.

Senator RUBIO. Well, just us and whoever is watching.

Senator UDALL. We may be rejoined——

Senator RUBIO. It is 11:10.

Senator UDALL. We may be rejoined. But let me also say that, you know, I supported President Obama's efforts to reengage with Cuba. I believe that President Trump's decision to walk back some of those efforts is a major mistake that only harms the Cuban people and isolates the United States in the region. Cuba has been looking to reopen and grow ties with the U.S. and U.S. businesses, including those in New Mexico, Arizona, Florida, Mississippi, and with many U.S. citizens who want to travel.

In my trips to Cuba, I have taken a number of trips. The last one was with several members—Senator Leahy, Senator Cochran. This was in February 2017, so it was after this was already unfolding down there. I was there with Senator Leahy, Senator Cochran, Senator Bennet, Representative McGovern. We had a very good visit and visited with a number of officials, and stayed in hotels

down there. And we—as far as we can tell for many of the members that went along, nothing of this sort happened to us.

But I wonder why, you know, with Cuba, and there seems to be a huge interest on them wanting to open up and wanting to have the engagement with our business community, and all of these things. What would be their motive when the Cuban government was looking to increase ties with the U.S., Mr. Palmieri or Mr. Brown?

Mr. PALMIERI. Again, I cannot speculate on what motive the Cubans would have. It is just—it has happened in Havana in their country, a country which they generally exercise total security control over. It is incomprehensible to us that they are not aware of how and who is responsible, and that they cannot take steps to prevent these kinds of attacks from ever happening again.

Senator UDALL. Well, they have said on a number of occasions, on our trip down there, and the foreign minister has traveled here, that they did not condone the attacks in any way. They were not a part of them. They have no knowledge of them. They have been very forthright, I think, in that respect. The safety of our diplomats is paramount, and I found it interesting that many U.S. diplomats disagreed with the departure orders, as did their employee association, the American Foreign Service Association, or the AFSA, whose president, Barbara Stephenson, said at the time, "AFSA's view," and this is a quote from her, "is that America's diplomats need to remain on the field and in the game. We have a mission to do, and it is an important mission."

And what happened here, what the United States did was very different than what was done by the Canadians. Canadian diplomats in Havana also reported mysterious ailments, yet Canada has not reduced its diplomatic presence in Havana or expelled Cuban diplomats from Ottawa. Why has the U.S. response been so different than from the Canadian response?

Mr. PALMIERI. Secretary Tillerson, from his first day at the Department, has said that the safety, wellbeing, and health, and security of U.S. diplomats overseas are his top priority. It is mine as well. This decision to go to ordered departure reflects his belief and his concern and our concern that we had to take this step to protect our people, and that the Cuban government had to do more to assure us that these attacks would stop.

Senator UDALL. Has any other country in the world done what we have done and withdrawn all of their diplomats, except a small emergency force?

Mr. PALMIERI. In Havana?

Senator UDALL. Yes. Yes, in Havana.

Mr. PALMIERI. Not that I am aware. Not that I am aware of, sir.

Senator UDALL. And are you aware that any Canadian diplomats, since all of this has unfolded, have they had additional ailments or additional problems?

Mr. PALMIERI. Sir, the Canadians have withdrawn some of their personnel, but I think we could go into greater detail in the classified briefing on that element.

Senator UDALL. Thank you. We look forward to that. The Trump administration has reversed a variety of steps to improve ties made by the previous administration. What benefits have we achieved

from these actions? How has this impacted American businesses as well as cuentapropistas in Cuba?

Mr. PALMIERI. I am sorry. I missed the first part of that question.

Senator UDALL. I said the Trump administration has reversed a variety of steps to improve ties made by the previous administration, referring to the Obama administration trying to improve ties, trying to open up and engage, trying to help the Cuban people, and we have seen a big growth in the small business community there in Cuba. And I am just wondering now that this administration has reversed all of that, what benefits have we achieved from these actions. Are you aware that the Cuban people are doing better, or how has this impacted American businesses as well as the cuentapropistas in New Mexico—in, excuse me, in Cuba?

Mr. PALMIERI. President Trump's new National Security Presidential Memorandum on Cuba lays out a new policy—you are correct, Senator—that is designed to not just help the private sector in Cuba, but to ensure that the Cuban government lives up to its international commitments on human rights, to allow us to promote greater freedom on behalf of the Cuban people, and to ensure that we are enforcing U.S. law with respect to the embargo and a statutory ban on tourism to Cuba. The measures we have taken are designed to ensure that any engagement and assistance, private sector assistance in Cuba benefits the Cuban people and not the regime.

Senator UDALL. Thank you very much, and I hope that what will occur here is that you will continue to share with us how this progresses. I mean, this is a very perplexing situation, and I think we should continue our investigations here in the Congress both in private security briefings and those kinds of situations. But I think we should be careful not to jump to conclusions until we really know what happened.

Thank you, Mr. Chairman. I really appreciate you calling this hearing.

Senator RUBIO. Thank you, and if any other members appear, I will just kind of try to wrap up the loose ends. And I will take off with—right what Senator Udall said there at the end, and that is jumping to conclusions. That is why I thought the important part of this hearing is to kind of lay out the facts, okay? I read this headline a couple days ago. It said, FBI rules out sonic attacks, and saw some other things out there about it.

And so, you read that and you could conclude that nothing happened in essence, you know. I saw at one point the Cuban government said that it could be crickets or some insect noise, cicadas? Is that what they—yeah. I did not even know there were cicadas. I do not know. We do not have that problem in Miami.

Senator UDALL. We have them in New Mexico.

Senator RUBIO. You have them?

Senator UDALL. Yep.

Senator RUBIO. A lot of concussive effects after? No?

Senator UDALL. They drive you crazy.

Senator RUBIO. All right, well, yeah.

[Laughter.]

Senator RUBIO. But my point is that you could read that headline and conclude that that means that nothing happened. That is the

method by which the attack—there has not been a definitive—we cannot definitively sit here today and say this is the machine, or this is the thing they used to cause these injuries, okay? And no one here has claimed that we know that.

What I think is not in dispute is that there are 24 Americans who either work for the U.S. government or were there as a dependent of a U.S. government employee, who during their time in Havana have experienced symptoms that are consistent with what you would see in mild traumatic brain injury and/or concussion. That is an established fact that we have talked about today. We may not know how they came to that point, but we know it happened to them, and we know it happened to 24 people while they were working in Havana.

Dr. Rosenfarb, let me ask you. Is there any thought given to the fact that this is a case of mass hysteria, that a bunch of people are just being hypochondriacs and making it up?

Dr. ROSENFARB. Well, as you said, Senator, 24 people have had symptoms and findings consistent with what looks like a mild traumatic brain injury. The objective tests that were done were not ones that could be basically easily faked. There are exact findings that our experts have determined. That being said, you know, no etiology, no cause has been fully rolled out, and we are—there are doctors who are looking at everything. But the findings suggest that this is not an episode of mass hysteria.

Senator RUBIO. And so, what we know for a fact is that 24 Americans that were in Havana on—either related to or on government business for a significant period of time—for a period of time have come back with these symptoms. That is a fact. So when people are there reporting about sonic attack ruled out, perhaps the sonic part of it has been ruled out. But the fact that people, if that is even true, by the way. I am not saying—that is just what the headline said.

But the fact that this has happened, that people have been hurt, that is established fact. Does anyone on the panel dispute that, that people have been hurt while working in Havana on behalf of the U.S. government?

[Nonverbal response.]

Senator RUBIO. Okay. So, then the second question becomes what is our role here in oversight. And I know we are starting to play some word games here, but I think this is really important because this is an oversight committee, okay, and our job is to conduct oversight over the Department of State.

Here is what we know. I know what the law says. The law says in the case of any serious injury related to a U.S. government mission abroad, the Secretary of State shall convene an accountability board. It does not say in case of any permanent injury. It says in the case of any serious injury. And I know given all the attention being paid to concussions, as an example, because of football and other things, that concussions are considered serious injury. And I would say to anyone in the world, if I told you I am going to cause you to have mild traumatic brain injury, you would think that is serious whether it is permanent or not. That is what the law says.

We know that these complaints came in by late 2016, that there were visits to the medical unit in late December of 2016 and

throughout 2017. We know that they were serious enough that by mid-February we approached the Cuban government about it. We know that in the early stages after this occurred, it was the opinion of both the leadership at the post in Havana and in the supporting office in Washington that this was likely some form of harassment by forces hostile to the United States or our presence in Cuba. That was the assessment made at that time.

We know that in late April or certainly by early May, we had 16 people that we could identify with symptoms, and medically verifiable clinical findings similar to, as I said earlier, mild traumatic brain injury or concussion. We know that by September 29th, we ordered the departure of non-emergency personnel. All these things happened, and yet we know that by October, certainly by November 6th of this year, an ARB was still not up and running.

So, if you just do the math on the calendar, these facts that I just laid out extrapolated backwards should have led to the appointment—and I understand it was a transition, and I understand there was a change in the administration. But we should have had an accountability review board in place, or some notification given as to why it is no longer necessary. Of course, since then the decision has been made.

And where are we, by the way, Mr. Palmieri, in the accountability review period? Are we now in the active—has it now—when was it stood up? When was the accountability review board activated?

Mr. PALMIERI. The Secretary took a decision to form an accountability review board on December 11th. I believe a congressional notification will arrive shortly, and that is required before the Board is actually constituted, Senator.

Senator RUBIO. So, on December 11th. So, okay. Well, I can tell you that is more than 120 days from all these facts, which I think leads to the argument that we should have had.

Now, because we do not know how these attacks were conducted, suffice it to say—let me ask this, Dr. Rosenfarb and Mr. Brown, and this would never happen. But if someone in the U.S. government says we want to cause these symptoms in people, that technology does not exist. We do not know of that technology. Is that accurate? We are not aware of a technology that does this. We have never seen a technology anywhere in the world that does this to people.

Mr. BROWN. That is my understanding, Senator. When going to the subject matter experts both in government and outside government, we have not seen this.

Senator RUBIO. Dr. Rosenfarb, have you ever seen cases of this outside of an actual blow to the head or something similar?

Dr. ROSENFARB. I have not.

Senator RUBIO. Okay. And that is consistent with everything we have been told is that—and the reason why I raise that is because obviously this is a pretty sophisticated thing, okay. This was not something conducted by, you know, a fly by night operation. Whatever happened to these people as a result of some sophisticated technology that, quite frankly, is so sophisticated, we do not understand it. So, it leads you then—so you have a sophisticated attack of some sort causing these injuries. We do not know who possesses

that sophisticated material, but we know that it is pretty sophisticated, leading you to believe it is a nation-state, someone who can afford this kind of thing.

And then it leads you down the road of motivation. And I think it is fair to say, and I think most members of this committee would argue as well, and I think many of you would probably share this view, that whoever did this did this because they wanted there to be friction between the United States and the Cuban government. That would be the motivation behind this, someone who wanted to cause friction between the U.S. and the Cuban government, particularly if you look at the timing of these attacks, November, December of 2016, after the election.

So, it makes you start to think who would do this. Someone who does not like our presence there, and someone who wants there to be this sort of friction between the U.S. So, who would be motivated to create friction, or who would not be in favor of an increased U.S. presence in Cuba? Well, the first obviously is opponents of the U.S.-Cuba opening under the Obama administration. I do not think any credible person on the planet believes that some group of anti-Castro Cubans conducted these attacks in an elaborate scheme to somehow disrupt the Obama opening, so I do not even want to spend any time on that unless anyone here thinks that that is a viable option. I assure you it is not.

The second is a rogue element within the Cuban government itself. And it is interesting, I was reading this Associated Press report, and it talks about the initial reaction. Now, maybe this is not accurate, but on September 15th, the Associated Press reported that, "In a rare face-to-face conversation, Castro told U.S. diplomat, Jerry DeLaurentis, that he was baffled and he was concerned, and he denied any responsibility. But U.S. officials were caught off guard by the way he addressed the matter, devoid of the indignant "how dare you accuse us" attitude the U.S. had come to expect from Cuba's leaders." It went on to say, "His government did not dispute that something troubling may have gone down on Cuban soil." Now subsequently, that is not the position they have taken, but this is what the article reports.

This suggests to me that potentially Castro is aware of rogue elements within his own government that may have been behind this because, whether you want to call them hard liners or people that feel—they just do not—they feel like they would be in a stronger position if this opening had not occurred or this increased U.S. presence, perhaps people concerned about an increased U.S. presence in light of the planned transition that theoretically is supposed to take place at some point this year.

So, I am not asking you for anything classified because I do not think such a thing would be classified. But, Mr. Palmieri, at any point in time, have we ever seen reports from any of our diplomats in Cuba that suggest that Raul Castro or anyone around him has ever said to us it was not us, but it could have been someone within us who did this?

Mr. PALMIERI. If I——

Senator RUBIO. Has Raul Castro ever said to any U.S. diplomat, I did not do it, but it is possible that some of my guys did it without me knowing about it?

Mr. PALMIERI. I do not believe that communication has ever occurred.

Senator RUBIO. Is that your answer because it is—you do not want to discuss something that is not in the proper setting, or is that just your—you just have never heard it?

Mr. PALMIERI. That is my recollection, that I have never heard that, but we can check the diplomatic record and see if there was any exchange like that. I do not believe so.

Senator RUBIO. Okay. And then, the last one that was—then you say, well, if it was not a rogue element that was in the Castro government, maybe it was a third country. Which third country would want to disrupt the U.S. presence there, and the logical conclusion is Russia and Vladimir Putin. During the Cold War, do we have any documented cases of similar attacks against individuals anywhere in the world?

Mr. BROWN. I am not aware, Senator, of anything similar to this, no, sir.

Dr. ROSENFARB. I believe in the late 50s and 60s, there were some evidence that microwave beams or radiation was directed against the U.S. embassy in Moscow, and I think it stopped in 1975, 1976.

Senator RUBIO. So, there were some microwave attacks against the U.S. diplomatic presence in Moscow between some point in the 1950s through the mid-1970s.

Dr. ROSENFARB. Senator, I am not knowledgeable enough to say whether "attacks" or not, but I know they were investigating excess levels of microwave radiation that people may have been subjected to back in that timeframe.

Senator RUBIO. Mr. Palmieri, you were asked by, I believe, Senator Menendez if this had ever been raised with the Russian government, and your answer was you could not answer that in that setting. Why would a communication to a foreign government, unless it contained, you know, sensitive information, be classified? In essence, is it typical that any sort of communication with a foreign government, because we are aware that, for example, that we have addressed this with the Cuban government. Why would the fact or lack of existence of a communication to the Russian government be something that we cannot discuss in public?

Mr. PALMIERI. Because of the nature of an interagency discussion to give the context, to give you the full reply would be required. And I believe that would be more appropriate in the classified setting.

Senator RUBIO. And then I think the last point that I think is pretty clear here is that it is important for us not to ascribe to Havana attributes of New York or Washington, DC. Cuba, by all accounts, is by far the most heavily monitored and surveilled country in the Western Hemisphere. Does anyone disagree with that assessment?

[No response.]

Senator RUBIO. It is a police state. Does anyone disagree with the assessment that the City of Havana is the most monitored and surveilled city within the island of Cuba?

[No response.]

Senator RUBIO. Then let me ask you, U.S. government personnel. If you are an employee of the United States government and you are going to Havana, what level of monitoring or surveillance should you expect when you are positioned there? What do we tell our people when they go just outside of this context? Do they have free rein to do anything they want, or should they expect that they are constantly being watched, monitored, and closely kept tabs on? Mr. Brown, I think that is—probably——

Mr. BROWN. Senator, I do want to go into too much detail in an unclassified——

Senator RUBIO. Yeah, do not tell me the methods. I just want to know——

Mr. BROWN. Certainly we prepare our personnel for levels of surveillance and levels of harassment, and movements are certainly restricted. And movements are anticipated that there will be a Cuban element monitoring those movements.

Senator RUBIO. What other post in the world would you say is comparable to the level of surveillance, history of harassment that a U.S. government employee would find in Havana? What other places in the world have similar attributes?

Mr. BROWN. Senator, I think we are getting close to some classified areas, and I would hesitate to compare.

Senator RUBIO. I am not asking you, again, for the type of harassment or even the type of surveillance. But I think it is—so it is classified to say——

Mr. BROWN. The ranking of the level of counterintelligence is a classified area.

Senator RUBIO. I am not asking for the ranking. I am just saying who it compares to. Is it like it is in Montreal or Quebec?

Mr. BROWN. It is not.

Senator RUBIO. Okay. So then, the reason why I am asking this is because if a U.S.—I think it is safe to conclude that if I am a U.S. government employee working in the embassy in Havana, the Cuban government knows where I live and is probably watching me every single day. The idea that somehow someone could conduct an attack so sophisticated that we do not even know what it is without the Cuban government at least knowing about it to one U.S. government employee, not to mention 24 over a 12-month period, is outside the realm of reasonable—it is ridiculous.

I could understand if somebody was mugged on a street corner, but these are sophisticated attacks, so sophisticated, as I said, that we cannot even describe how it happened yet to 24 U.S. government employees and their dependents in the most heavily monitored city in the most heavily monitored country in the Western Hemisphere, and among the most heavily monitored in the world, where U.S. government personnel in particular are watched very carefully for all of their movements and activities. And the idea that someone could put together some sort of action against them, 24 of them, and the Cuban government not see it or know about it, it is just not possible. And so, it leads you to conclude that the Cuban government either did this or they know who did it, and they cannot say because whoever did it is either a third-party country that they cannot take on, or elements within their own regime

that they do not want to reveal for purposes of not making it appear to be unstable internally.

And so, I think these are all good conclusions from this hearing that conclude by saying my admonition at the beginning. I think it is really unfair for any suggestion that people working on behalf of the U.S. government were not injured in Havana. Imagine if you were one of these people who are out there working on our behalf who are now suffering from these injuries, and reading in a newspaper somewhere that what happened to you did not happen.

Not only is it demoralizing, I think it is incredibly unfair to them. We can say that we do not know how it happened. We can even say we cannot know for sure who did it, but two things we know for sure: people were hurt, and the Cuban government knows who did it. They just will not say for some reason. And I think that is the biggest takeaway from this hearing, other than I remain concerned about the State Department's unwillingness to stand up the ARB, the accountability review board, in a timely fashion and in accordance with the law. And I imagine that will be a topic of further discussion down the road.

I think that will conclude my questioning. I do not—seeing no other members. Did you have anything else, Senator Udall?

Senator UDALL. No, thank you.

Senator RUBIO. Well, I want to thank all of you for being here. I know this is a unique and perplexing subject matter, something we have not really seen. Senator Menendez has already indicated, and I think some other members, Senator Flake had to leave. This is a topic he cares about a lot, but he had to be at the White House as well as Senator Menendez on an immigration meeting, so they had to leave. But both of them have indicated they are going to have extensive questions for the record.

And so, we are going to keep the record open for 48 hours, and I would ask that their questions be answered in a timely fashion so that we can close out this hearing and have all that information. I also ask that my questions that remain unanswered—when was Secretary Kerry notified, when was President Obama notified, and whether the Trump Transition was briefed on this topic—also be taken back for the record. I think these are important questions to have answers for.

Senator RUBIO. And seeing no other members here and nothing further, the meeting is adjourned.

[Whereupon, at 11:35 a.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES OF HON. FRANCISCO L. PALMIERI TO QUESTIONS SUBMITTED BY SENATOR MARCO RUBIO

Question. Was there an Accountability Review Board during the Obama administration? If not, why?

Answer. By law, the Secretary of State must convene an Accountability Review Board (ARB) to review incidents involving "serious injury, loss of life, or significant destruction of property at, or related to, a United States government mission abroad" unless "the Secretary determines that a case clearly involves only causes unrelated to security." (22 U.S.C. 4831). Our prior experiences with security incidents resulting in an ARB have been events in which the impacts were immediately clear, such as the Embassy bombings in Kenya and Tanzania in the late 1990s, or

the explosion of a vehicle-borne improvised explosive device in Kabul on May 31, 2017 that killed ten local guard contractors.

While the Department became of aware of an increase in some unusual harassment and health complaints in late December 2016, it was not until after the presidential transition in January 2017 that medical officials confirmed the onset of possibly serious related medical symptoms. This confirmation suggested these incidents went beyond routine harassment previously experienced by U.S. diplomats in Havana. As the number of attacks increased and we learned more about the medical effects, the need to consider convening an ARB became clear. By then, the Trump administration had taken office.

Question. When President Obama announced the changes to Cuba policy on December 17, 2014, steps were taken to increase staffing levels at the Embassy—a structure that had been essentially closed since the 1960s. Housing needs had to be addressed in very short order for the new personnel. Names were provided to the Cuban government about U.S. government personnel who would be stationed at Embassy Havana: What steps were taken when increasing personnel to ensure the safety of U.S. personnel? Did the Cuban government choose housing for U.S. personnel?

Answer. As is standard practice around the world, the Regional Security Office (RSO) conducts briefings for all personnel (permanent, TDY, and dependents) regarding threats at post, physical security at residences, and emergency notification/response. All personnel and dependents are also provided security notices (when relevant), and security directives outlining safe practices and procedures in country. Under standard diplomatic practice, names of personnel are provided to the host nation, as it is the host nation's responsibility to ensure the safety of all diplomatic personnel in their country.

The Embassy's RSO and Management Officer, in collaboration with the Bureaus of Diplomatic Security (DS) and Overseas Buildings Operations (OBO), are responsible for outlining and ensuring the implementation of residential security requirements are in place before staff are allowed to move in to any property. These entities work together to locate housing, assess its suitability, and acquire residences. Part of that process is assessing what upgrades or additional features may be required in order to meet Overseas Security Policy Board residential standards. Those upgrades are coordinated between offices at the Embassy, DS, and OBO. The upgrades or exceptions are in place prior to occupancy. This ensures that the Chief of Mission acknowledges and accepts any known remaining risk, and that the risk is mitigated to the greatest extent possible.

Question. When were the health complaints first raised with Secretary Kerry?

Answer. It was not until after the presidential transition in January 2017 that medical officials confirmed the onset of possibly serious medical symptoms stemming from the incidents in late December 2016, which suggested these incidents went beyond routine harassment previously experienced by U.S. diplomats in Havana. Secretary Kerry was therefore not informed of the complaints.

Question. Were the complaints shared with President Obama? If yes, when?

Answer. Embassy Havana first notified staff at the National Security Council of increased harassment in early January 2017. We would refer you to the White House and NSC for more information on whether President Obama was made aware of these reports.

Question. Who decided it was safe to continue to keep the Embassy open?

Answer. The Department of State is constantly reviewing the safety and security of our embassies abroad. After considering the totality of the situation, on September 29, 2017, Secretary Tillerson determined that the circumstances necessitated the departure of non-emergency personnel from Embassy Havana and assessed that the reduction of staff and other mitigation mechanisms put into place allowed for the embassy to remain open to support American citizens and U.S. diplomatic initiatives while investigations were underway.

Question. During the transition, were Trump administration officials read-in to the situation? If not, why?

Answer. It was not until after the transition that we received medical confirmation of adverse medical effects on our personnel. Once we understood these incidents were more than harassment and were ongoing, we formally notified Secretary Tillerson.

Question. As Cuba fails to meet the norms of the OAS Charter, do you believe that Cuba should participate in the Summit of the Americas?

Answer. No. The Cuban regime violates the basic human rights of its people, and we will continue to call attention to its lack of democracy, repression of civil society, and other abuses, including at the Summit of Americas. Cuba's failures in these areas should be addressed, and we should hold Cuba accountable.

As host, the Peruvian government has the prerogative to decide which countries to invite and it invited Cuba. We are working with Peru to ensure members from independent Cuban civil society have the opportunity to engage leaders and other civil society representatives from the region at the Summit, and to ensure the people of Cuba, not just its regime, are represented.

RESPONSES OF HON. FRANCISCO L. PALMIERI TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

Question. You mentioned that Secretary Tillerson decided to form an accountability review board on December 11, but the board has not yet been constituted and Congress will be notified as soon as it is. Nearly a month later, why hasn't the board been formed yet? What is causing the delay? When can Congress expect the notification?

Answer. Following the Secretary's decision to form an Accountability Review Board (ARB), the Department canvassed a broad list of individuals with the experience and skills necessary to serve on this ARB. Assembling the ARB took several weeks due to the Christmas and New Year holidays, and because the majority of individuals initially considered for this ARB could not serve due to scheduling conflicts. However, the Department has since been able to assemble an ARB with the right combination of skills to investigate this situation.

The members of the Cuba ARB possess extensive leadership and management experience at overseas posts, medical and security expertise, and experience with the intelligence community. The Secretary has approved the ARB members, and we expect the congressional notification to be released soon.

Question. During the hearing you agreed that Cuba being the police state that it is clearly has some knowledge of who is performing these attacks and that the Cuban government's public attempts to discredit the attacks are extremely unhelpful, yet we have not taken any measurable steps to demonstrate our outrage since we expelled 15 diplomats in October. Are we planning any other retaliatory measures? What will our policy response be to Cuba's flagrant violation, abrogation, and mockery of their international obligations?

Answer. Our response to these attacks has been robust and constant. We have protested these attacks against our diplomats since February 2017 with the Cuban government and demanded the Cuban government fulfill its obligations under the Vienna Conventions to take appropriate steps to protect our diplomats in Havana. We have done so on more than 20 subsequent occasions. In May 2017, we expelled two diplomats to reflect the number of officials who, at the time, had departed post because of these attacks. On October 3, 2017, we expelled an additional 15 Cuban diplomats to underscore the gravity of these attacks and ensure operational equity in our embassies. We most recently raised these issues with Cuban government officials on the margins of law enforcement-related technical exchanges in mid-January 2018.

Question. You testified during the hearing that we engaged with the Cuban government over 20 times on the health attacks, but have we discussed the attacks with any other governments, in particular Russia? Please provide a classified briefing and update if you are not able to answer this question.

Answer. We would be happy to address this question in a classified setting.

Question. Embassy Havana went into Ordered Departure on September 29 and it is my understanding that the Department can keep an embassy in that status for up to 180 days. What happens after that? If we are still nowhere closer to understanding how or why our diplomats are being attacked will we close down the embassy?

Answer. The total length of departure status may not exceed 180 days. Taking into account the Authorized Departure status for Hurricane Irma, which preceded Ordered Departure, the 180-day period ends on March 4, 2018. The Secretary will continue to review all available security information and will decide on appropriate staffing levels, after considering factors such as post's ability to maintain the safety, security, and free movement of personnel posted to Havana. At that point, the Department will consider appropriate actions, including any adjustments to the staffing posture of Embassy Havana. The embassy's Emergency Action Committee con-

tinues to meet regularly to assess the security situation under Ordered Departure status.

Question. How many American businesses currently have licenses to operate in Cuba? How many American businesses were granted licenses to operate in Cuba after the previous administration announced new regulations in 2014? How many OFAC licenses were finalized or granted between February 2017 and November 2017?

Answer. While we work closely with the Department of the Treasury's Office of Foreign Assets Control (OFAC) on licensing cases in which there is a U.S. foreign policy interest, we refer you to OFAC for details on its licenses.

Question. As noted in the hearing, it does not appear the United States has taken any action to respond to the Cuban government's abrogation of duty? Expelling two diplomats and 15 more to achieve parity in Embassy operations is not a countermeasure. What steps are we taking?

Answer. The safety and security of our diplomats is our top priority. Our response to these attacks has been robust and constant. We have protested these attacks against our diplomats since February 2017 with the Cuban government and demanded the Cuban government fulfill its obligations under the Vienna Conventions to take all appropriate steps to protect our diplomats in Havana. We have done so on more than 20 subsequent occasions. In May 2017, we expelled two diplomats to reflect the number of officials who, at the time, had departed post because of these attacks. On October 3, 2017, we expelled an additional 15 Cuban diplomats to underscore the gravity of these attacks and ensure operational equity in our embassies. We most recently raised these issues with Cuban government officials on the margins of law enforcement-related technical exchanges in mid-January 2018.

We would be happy to discuss steps we are taking with regard to countermeasures in a classified setting.

RESPONSES OF MR. TODD J. BROWN TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

Question. It is my understanding that even after employees were medically evacuated from Cuba in February, the Department did not include the attacks or the risk of attacks in security briefings provided to employees who were either being posted to Havana or serving in temporary capacities. When exactly did the Department start including the potential of attacks as part of the standard security briefing for incoming officers? Why did it take the Department so long to include that information in their standard security briefing?

Answer. All U.S. direct hire personnel traveling to Havana are required to receive a security brief prior to and when they arrive to post. The Bureau of Diplomatic Security (DS) and Embassy Havana's Regional Security Office (RSO) actively brief staff of security concerns, personal security practices, and the embassy's security response to threats personnel might face while in Cuba. The Embassy began briefing personnel about potentially new aspects of harassment impacting our staff as early as January 2017. As we developed more information on the medical impacts to our staff, our briefing incorporated any and all relevant threat information that could protect our people.

Question. I understand that diplomats who were affected were told not to share their symptoms or concerns with family members. Why?

Answer. We would be happy to address this question in a classified setting.

Question. Did you activate a trip wire in Embassy Havana? Did Embassy Havana convene an emergency action committee in response to the attacks? When? How many times? If so, how did post safety policy change due to the tripwire and EAC meeting? If not, why not?

Answer. Embassy Havana has convened over a dozen Emergency Action Committee (EAC) meetings related to these attacks, the first of which was held in April 2017. Post continuously assessed the available facts and refined its response in an effort to better understand the situation and protect personnel. The Embassy leadership shared information with the community through several town hall meetings, the first of which was held in March 2017. Beginning in February 2017, Embassy Havana's Regional Security Office regularly engaged Department of State security officials as well as experts within the interagency community to share information and seek to better understand the threat. Although the cause has not been identified to date, the Embassy continues to provide a robust briefing to personnel elect-

ing to serve in Havana, providing instruction on mitigation efforts and how to react to an event, and immediately deploying emergency security and medical personnel to attack scenes.

RESPONSES OF DR. CHARLES ROSENFARB TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

Question. You testified that the first time the medical unit evaluated one of the victims was in January 2017, but the first reported attack was in November 2016 and the Regional Security Officer and Charge were made aware of the symptoms in December 2016 according to other testimony. Why did it take so long to provide medical attention to the victim? What steps exactly did the medical unit take to ensure that that patient was receiving the best medical care available? How did the medical unit decide to which medical facility to refer the victims and did those facilities have the capacity to treat brain injuries? When did you make the decision to utilize other medical facilities?

Answer. I misspoke. The medical unit first evaluated one of the patients who noted an unusual acoustic exposure on December 30, 2016. The symptoms the patient experienced at the time of exposure had resolved by the time the individual presented to the medical unit. Those initial symptoms described by the patient were vague and could be attributed to numerous causes. When at least one additional patient reporting a similar history to the first patient presented to the medical unit in January, it was determined that further evaluations were needed. The medical unit in Havana then authorized the affected individuals to undergo government-funded evaluations by a highly qualified specialist in injuries to the acoustic system at the University of Miami.

Both Embassy leadership and the medical provider at Embassy Havana continually encouraged mission personnel to report anything unusual to the medical unit and to the Regional Security Officer, whether it was an unusual sound or sensation or unexplained symptoms. All individuals in the Embassy community who reported symptoms at any time received medical attention as soon as they reported to the Embassy medical unit, all individuals who desired specialist evaluation, whether or not they had reported symptoms, were medevaced to Miami for assessment, and a screening of the general Embassy community was conducted by medical experts including from the University of Miami.

After the initial cohort of patients was identified by our University of Miami medical experts, we selected a nationally-known center of excellence in brain injury and repair, convenient to the Washington metropolitan area, that could fully accommodate all future patient referrals, provide the required full spectrum of rehabilitative services to those affected, and serve as a resource on ancillary occupational health matters that would enable the patients' ability to return to work.

Question. You testified that none of the victims were paying for any medical bills, but conceded that there were some limitations to the medical treatment that would be covered by workers compensation. In particular, you noted that family members (some of whom are victims) would not be eligible for workers compensation, what other coverage limitations exist? Is the State Department also covering other associated expenses like travel to and from the medical facilities?

Answer. I would defer to my colleagues in the Department of Labor to address coverage limitations of workers compensation. While existing authorities permit the Department of State (Department) to pay for the treatment cost for illnesses, injuries, or medical conditions incurred while assigned to a post abroad for eligible government employees and their families, current policies may limit coverage of expenses for long-term follow-up evaluations and later treatment. The Department is covering the cost of travel to and from medical facilities for its employees and affected family members who are on medical evacuation, including some travel that had not traditionally been covered under the Department's medical program.

Question. Given the life-altering implications of these attacks, will the Department provide life-time coverage for related health concerns? Even if employees leave the Department?

Answer. At this time we do not know the long-term implications of these patients' symptoms and clinical findings given the unknown mechanism of cause. We do know that people with head injuries sometimes experience long term sequelae. The Department has not typically funded long term care or medical follow-up for current or former personnel for work-related illnesses or injuries when workers compensation benefits are an available remedy. However, this is an unusual circumstance,

and we are working to ensure that our people receive the care they need for as long as is necessary. Caring for our personnel remains our highest priority.

RESPONSES OF HON. FRANCISCO L. PALMIERI TO QUESTIONS SUBMITTED BY SENATOR JEFF FLAKE

Question. There seems to be some confusion as to what, exactly, caused the incidents that have impacted U.S. diplomats as well as reportedly diplomats associated with the Canada. Those affected have spoken about hearing some kind of sound. Do U.S. investigators know whether this reported sound was natural or mechanical?

Answer. The exact mechanism responsible for the reported injuries caused to U.S. and Canadian diplomatic personnel remains unknown.

Question. What has been the nature of U.S. contacts with Cuban officials regarding this matter?

Answer. The Department has raised this issue on more than 20 occasions with Cuban officials from the highest level to the working level. Department officials most recently reminded the Cubans of their obligation under the Vienna Convention to take adequate steps to protect our diplomats on the margins of law enforcement-related technical exchanges in mid-January 2018.

Question. How have Cuba and the U.S. worked together to further the investigation into what impacted American personnel?

Answer. The United States is conducting a thorough, ongoing investigation into the specifics of these attacks. The Cubans have facilitated the travel of U.S. investigators to the island on four occasions and provided access to the hotels where attacks occurred. The Cubans also provided U.S. investigators with the results of an ongoing Cuban investigation into the attacks. However, the Cubans have failed to resolve the case or to provide a guarantee regarding the safety of our personnel.

Question. Cuba has proposed a greater exchange of medical information with the U.S. and a direct meeting of Cuban and U.S. medical experts. What is the status of this proposal? What are the benefits of such a potential meeting? What are the risks?

Answer. We are still trying to understand this complicated medical issue. Our patients have received comprehensive medical evaluations and treatment by leading American medical experts in the field. In late April 2017, a medical summary that described the early health effects, including symptoms and findings, was provided to the Ministry of Foreign Affairs by the U.S. Embassy. Similar information was shared with Ministry of the Interior officials during a May 2017 meeting with the Embassy medical practitioner and the RSO. In early June 2017, the Embassy provided a formal response to a Cuban Diplomatic Note that had requested additional information regarding the medical examination of victims of the attacks.

While a potential meeting with Cuban public health officials could yield information regarding similar health issues noted outside the diplomatic community, greater sharing of medical findings with the Cuban government would carry significant risks. The medical privacy of our personnel could be compromised, and information might unintentionally emerge that could potentially benefit the still-unidentified perpetrators of these attacks.

Question. Press reports indicate that the FBI has found no evidence to support the conjecture of impacts to American personnel being caused by "an attack." Is the use of the term "attacks," even without proof or conjecture to substantiate the use of this term, an attempt to draw attention to Cuba's responsibilities under Article 29 of the Vienna Convention?

Answer. We would refer any questions regarding the status of the investigation to the FBI. In light of the harm to affected individuals, the State Department considers these incidents to be attacks against our personnel. Accordingly, we have continued to press the Cuban government to fulfill its obligations under Article 29 of the Vienna Conventions to take all appropriate steps to protect accredited foreign diplomats in its territory. It is the Cuban government's responsibility to ensure these attacks come to an end.

Question. The Cuban government claims that it was informed of a March 30 incident on April 25; a one month delay. On April 6, Cuban authorities indicate they were informed of an incident that occurred the night before but were allegedly denied access to the premise. How are the State Department and other related investigative agencies coordinating to ensure these kinds of mishaps do not take place?

Answer. Post and the Department pass all relevant information immediately to the Cuban government as soon as it is reported or confirmed through medical diagnosis. Any delays in notifications were based on timeliness of reporting by employees and medical confirmation, which often came well after the initial incident took place. Embassy Havana's Regional Security Officer (RSO) and Front Office reinforced with employees the need to report incidents immediately. In cases when this happened, Cubans authorities promptly responded with the RSO to the location of the incident.

In regards to the April 6 event, the Embassy RSO and Front Office contacted the Cuban authorities immediately after being notified of a possible event at one of our properties. Cuban authorities responded to the location in question with 30 people to the attack site, all were allowed access to the property. The Cubans then conducted a search of the property, to include a video recording of their inspection.

Question. Cuba is on the verge of what could arguably be the most influential leadership transition in a generation. Given our restriction on personnel related to the ordered departure, what are the embassy's current capabilities to monitor and assess political conditions on the island?

Answer. On September 29, 2017, the Secretary determined the risks associated with the health attacks required a change in U.S. Embassy Havana's operating status to Ordered Departure (OD). Among the emergency personnel who remain in Havana is a political-economic officer whose duties include monitoring and assessing Cuba's political conditions. While we recognize the change in status to OD necessarily limits our capacity to monitor political conditions, the safety and security of our people is the overriding priority of the Secretary. It is mine, as well.

Question. What are the embassy's current capabilities to monitor and assess economic conditions on the island?

Answer. On September 29, 2017, the Secretary determined the risks associated with the health attacks required a change in U.S. Embassy Havana's operating status to Ordered Departure (OD). Among the emergency personnel who remain in Havana is a political-economic officer whose duties include monitoring and assessing Cuba's economic conditions. While we recognize the change in status to OD necessarily limits our capacity to monitor economic conditions, the safety and security of our people is the overriding priority of the Secretary. It is mine, as well.

Question. Without divulging sources, methods, or current asset, what is the U.S. government's current capacity to monitor and assess intelligence-related issues on the island?

Answer. We would be happy to discuss this in a classified setting.

Question. In your oral testimony, you indicated that after the incidents that have impacted U.S. diplomats came to light embassy personnel were given the opportunity to leave Embassy Havana voluntarily. Were there embassy personnel that opted to stay in Havana?

Answer. Yes, most employees opted to continue working to promote U.S. interests in Havana after learning about these attacks. Six embassy officers affected by the incidents left post prior to ordered departure. Regardless of whether they chose to remain or depart, Department employees are dedicated to serving the country and promoting U.S. foreign policy abroad, even in difficult circumstances.

In your written testimony, you indicated "[t]hese decisions—both to draw down our personnel at Embassy Havana and to expel Cuba diplomats did not signal a change in policy." While purportedly not a policy change, the reduction in staff is having an impact on basic embassy functions that are fundamental to a bilateral relationship. Along those lines:

Question. How many non-immigrant and immigrant visa interviews were conducted each month since the drawdown and monthly in the year prior to the drawdown?

Answer. Beginning September 29, 2017, the U.S. Embassy in Havana suspended most routine visa services due to the ordered departure of non-emergency personnel. Immigrant visas for Cubans are processed at the U.S. Embassy in Bogota, Colombia. The only nonimmigrant visa applications the U.S. embassy in Havana is able to process are those for diplomatic or official (category A or G) visas or extremely rare emergency cases when the applicant has a life-threatening condition requiring treatment in the United States.

Since the drawdown in staff, Embassy Havana has processed the following number of nonimmigrant (NIV) and immigrant visa (IV) applications by month. The second chart contains statistics for the previous 12 months.

Month	NIV	IV
October 2017	50	2
November 2017	54	2
December 2017	63	0

Month	NIV	IV
October 2016	4,308	792
November 2016	4,006	1,015
December 2016	5,084	922
January 2017	6,235	769
February 2017	4,210	699
March 2017	4,963	957
April 2017	3,937	914
May 2017	4,000	1,120
June 2017	6,170	973
July 2017	6,261	883
August 2017	6,916	947
September 2017	1,067	223

Question. What is the current average wait time for non-immigrant and immigrant visa interviews? What is the average wait time each month in the year prior to the drawdown?

Answer. Due to the unique circumstances of each immigrant visa (IV) case, the Department does not track average wait times for these visas. The Department is no longer tracking non-immigrant visa (NIV) wait times at Embassy Havana because of the change in operating status. In the year preceding the drawdown, the last reported wait times for NIVs in Havana for each month were as follows: October 2016–117 days, November 2016–124 days, December 2016–98 days, January 2017–97 days, February 2017–98 days, March 2017–99 days, April 2017–113 days, May 2017–123 days, June 2017–76 days, July 2017–70 days, August 2017–61 days, September 2017–83 days.

Question. How many cases are currently pending in 221(g) status? How many were pending in 221(g) status each month in the year prior to the drawdown?

Answer. Embassy Bogota has issued 669 immigrant visas to individuals whose cases were originally refused under INA 221(g) in Embassy Havana at the time of the drawdown in services. Embassy Havana is in the process of transferring the remaining cases originally refused under INA 221(g) to Embassy Bogota for processing. There are currently 89 NIV cases at U.S. Embassy Havana that are refused under INA 221(g). Embassy Havana will continue processing those NIV cases as appropriate.

Question. How many non-immigrant and immigrant visas have been issued on a monthly basis since the drawdown and were issued each month in the year prior to the drawdown?

Answer. Since the drawdown in staff, Embassy Havana has issued the following number of nonimmigrant and immigrant visa applications by month.

Month	NIV	IV
October 2017	93	5
November 2017	97	24
December 2017	91	0

The following are issuance numbers at Embassy Havana for the 12 months prior to the drawdown.

Month	NIV	IV
October 2016	823	792
November 2016	983	914
December 2016	1,093	886
January 2016	1,135	788
February 2016	916	686
March 2016	1,228	877
April 2016	1,042	878
May 2017	1,047	899
June 2017	1,666	824
July 2017	1,739	819
August 2017	1,665	842
September 2017	548	159

Question. In what instances have immigrant and non-immigrant visa application processing been referred to a third country?

Answer. Cuban applicants for nonimmigrant visas may apply at any U.S. embassy or consulate overseas, but must be physically present in the country at the time of the application. We have begun transferring immigrant visa applications and scheduling immigrant visa interviews for Cuban nationals at the U.S. Embassy in Bogota, Colombia.

Question. It is my understanding that the current status of ordered withdrawal for Embassy Havana will come to an end in early March. What factors will be considered when deciding the subsequent condition and staffing levels of the embassy in post-order withdrawal status?

Answer. The total length of departure status may not exceed 180 days. Taking into account the Authorized Departure status for Hurricane Irma, which preceded Ordered Departure, the 180-day period ends on March 4, 2018. The Secretary will continue to review all available security information and will make that determination at the appropriate time, after considering factors such as post's ability to maintain the safety, security, and free movement of personnel posted to Havana. At that point, the Department will consider appropriate actions, including any adjustments to the staffing posture of Embassy Havana. The embassy's Emergency Action Committee continues to meet regularly to assess the security situation under Ordered Departure status.

Question. It is my understanding that the expulsion of Cuban diplomats in order to match staff reductions at Embassy Havana involved the expulsion of specifically selected and named staff members at the Cuban embassy. Is it the usual practice in matching staffing levels to delineate specific members of the foreign embassy staff for removal versus selecting a target staffing level?

Answer. On May 23, 2017, the Secretary of State made the decision to expel two diplomats assigned to the Cuban Embassy in Washington, DC. On October 3, 2017, the Secretary of State expelled an additional 15 Cuban diplomats. This was done to underscore Cuba's responsibility to protect our diplomats in Havana and the gravity of the situation, as well as to ensure equity in the impact on operations of our respective missions. The specific circumstances of this situation led the Secretary to determine this approach as the most appropriate course of action. We would be happy to provide further information in a classified setting.

RESPONSES OF MR. TODD J. BROWN TO QUESTIONS
SUBMITTED BY SENATOR JEFF FLAKE

Question. There seems to be some confusion as to what, exactly, caused the incidents that have impacted U.S. diplomats as well as reportedly diplomats associated with the Canada. Those affected have spoken about hearing some kind of sound. Do U.S. investigators know whether this reported sound was natural or mechanical?

Answer. The exact mechanism responsible for the reported injuries caused to U.S. and Canadian diplomatic personnel remains unknown.

Question. What has been the nature of U.S. contacts with Cuban officials regarding this matter?

Answer. The Department has raised this issue on more than 20 occasions with Cuban officials from the highest level to the working level. Department officials most recently reminded the Cubans of their obligation under the Vienna Convention to take adequate steps to protect our diplomats on the margins of law enforcement-related technical exchanges in mid-January 2018.

Question. How have Cuba and the U.S. worked together to further the investigation into what impacted American personnel?

Answer. The United States is conducting a thorough, ongoing investigation into the specifics of these attacks. The Cubans have facilitated the travel of U.S. investigators to the island on four occasions and provided access to the hotels where attacks occurred. The Cubans also provided U.S. investigators with the results of an ongoing Cuban investigation into the attacks. However, the Cubans have failed to resolve the case or to provide a guarantee regarding the safety of our personnel.

Question. Cuba has proposed a greater exchange of medical information with the U.S. and a direct meeting of Cuban and U.S. medical experts. What is the status of this proposal? What are the benefits of such a potential meeting? What are the risks?

Answer. We are still trying to understand this complicated medical issue. Our patients have received comprehensive medical evaluations and treatment by leading American medical experts in the field. In late April 2017, a medical summary that described the early health effects, including symptoms and findings, was provided to the Ministry of Foreign Affairs by the U.S. Embassy. Similar information was shared with Ministry of the Interior officials during a May 2017 meeting with the Embassy medical practitioner and the RSO. In early June 2017, the Embassy provided a formal response to a Cuban Diplomatic Note that had requested additional information regarding the medical examination of victims of the attacks.

While a potential meeting with Cuban public health officials could yield information regarding similar health issues noted outside the diplomatic community, greater sharing of medical findings with the Cuban government would carry significant risks. The medical privacy of our personnel could be compromised, and information might unintentionally emerge that could potentially benefit the still-unidentified perpetrators of these attacks.

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Question. The Cuban government claims that it was informed of a March 30 incident on April 25; a one month delay. On April 6, Cuban authorities indicate they were informed of an incident that occurred the night before but were allegedly denied access to the premise. How are the State Department and other related investigative agencies coordinating to ensure these kinds of mishaps do not take place?

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place. Embassy Havana's Regional Security Officer (RSO) and Front Office reinforced with employees the need to report incidents immediately. In cases when this happened, Cubans authorities promptly responded with the RSO to the location of the incident.

In regards to the April 6 event, the Embassy RSO and Front Office contacted the Cuban authorities immediately after being notified of a possible event at one of our properties. Cuban authorities responded to the location in question with 30 people to the attack site, all were allowed access to the property. The Cubans then conducted a search of the property, to include a video recording of their inspection.

Question. In response to questions, you said you were not aware of Cuba's investigative efforts. Why would the Diplomatic Security Bureau be uninformed about information developed by Cuba?

Answer. The Department of State engaged the Cubans on several occasions during the course of these events, stressing the importance of honoring their commitments to protect all diplomats living and working in their country. To date, the FBI, with DS' cooperation, has had significant access to sites and locations within Cuba, and has been leading the U.S. investigation. The Cuban government has been conducting their own investigation of the events and DS defers to the FBI for updates on their relationship with Cuba's investigation. As of now, the Cuban government has relayed their continued inability to identify a responsible actor/s or mechanism of injury.

RESPONSES OF DR. CHARLES ROSENFARB TO QUESTIONS SUBMITTED BY SENATOR JEFF FLAKE

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