



Testimony

Before the Subcommittee on the
Western Hemisphere, Committee on
Foreign Affairs, House of
Representatives

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REPORTED INJURIES TO U.S. PERSONNEL IN CUBA

Preliminary Observations on State's Response and Management Challenges

Statement of Brian M. Mazanec, Acting Director,
International Affairs and Trade

Chairman Cook, Ranking Member Sires, and Members of the Subcommittee:

Thank you for the opportunity to discuss our work on the Department of State's (State) response to the health incidents in Cuba. Since late 2016, U.S. government personnel and their families in Havana, Cuba, have experienced incidents associated with acoustic or sensory phenomena. These individuals suffered serious injuries, including brain damage and hearing loss. In June 2018, the Secretary of State noted that the precise nature of the injuries and the cause had not yet been established. As of August 2018, State reported that 26 individuals had suffered from medical conditions believed to be connected to the incidents in Havana.¹ State is generally required by law to convene an Accountability Review Board (ARB) in any case of serious injury, loss of life, or destruction of property at, or related to, a U.S. mission abroad.²

My testimony today summarizes (1) our July 2018 report, which was released today, on State's process for convening an ARB, in which we noted that State faced a challenge in ensuring that its responsible office is aware of incidents that may meet criteria for convening an ARB;³ and (2) preliminary observations on State's management challenges related to the incidents in Cuba, which are part of our broader ongoing work reviewing State's response. For our July 2018 report, we analyzed relevant federal laws and State policies to understand State's responsibilities in convening an ARB. We also analyzed internal State communications—such as diplomatic cables—and congressional testimony by State officials on these incidents. In addition, we interviewed cognizant officials from various State entities involved in the response to the incidents in Cuba. For more information on our scope and methodology, see our July 2018 report.

We developed our preliminary observations on management challenges related to the incidents in Cuba through our review of State documentation and interviews with cognizant State officials here in Washington, D.C.; with embassy officials during our fieldwork in Havana,

¹State reported that a similar incident occurred in Guangzhou, China, in May 2018.

²22 U.S.C. § 4831.

³GAO, *Reported Injuries to U.S. Personnel in Cuba: State Should Revise Policies to Ensure Appropriate Internal Communication of Relevant Incidents*, [GAO-18-615](#) (Washington, D.C.: July 30, 2018).

Cuba; and with affected personnel and family members. We provided a draft of this statement to State for technical comment and sensitivity review and addressed its views in the body of our statement where appropriate.

We conducted the work on which this statement is based from November 2017 to August 2018, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. We are continuing our broader review of State's response and plan to conclude that work at a later date.

Background

According to State, the incidents in Havana, Cuba, began in late 2016 and continued until the most recent confirmed incidents in May 2018. As a result of the incidents, on September 29, 2017, State ordered the departure of family members and non-emergency personnel from Havana, Cuba, to minimize the number of U.S. personnel and family members at risk of exposure to harm. State made the reduction in staffing levels permanent on March 5, 2018, leaving the embassy with the minimum personnel necessary to perform core diplomatic and consular functions. State's bureaus of Western Hemisphere Affairs, Diplomatic Security, and Medical Services, among other State entities, support the U.S. Embassy in Havana by providing advice and guidance on policy, security, and other issues.

Federal law generally requires State to convene an ARB within 60 days of incidents that result in serious injury at, or related to, a U.S. mission abroad, but the Secretary of State can determine that a 60-day extension is necessary. According to State policy, State's Office of Management Policy, Rightsizing, and Innovation (M/PRI) is in charge of the process to vet potentially qualifying incidents, known as the incident vetting process, and to determine whether to form the committee that would recommend to the Secretary of State whether to convene an ARB. An ARB seeks to determine accountability for such incidents and promote and encourage improved security programs and practices at U.S. missions abroad.

State Does Not Have Policies That Ensure the Office Responsible for Initiating the Process for Convening an ARB Is Aware of Potentially Qualifying Incidents

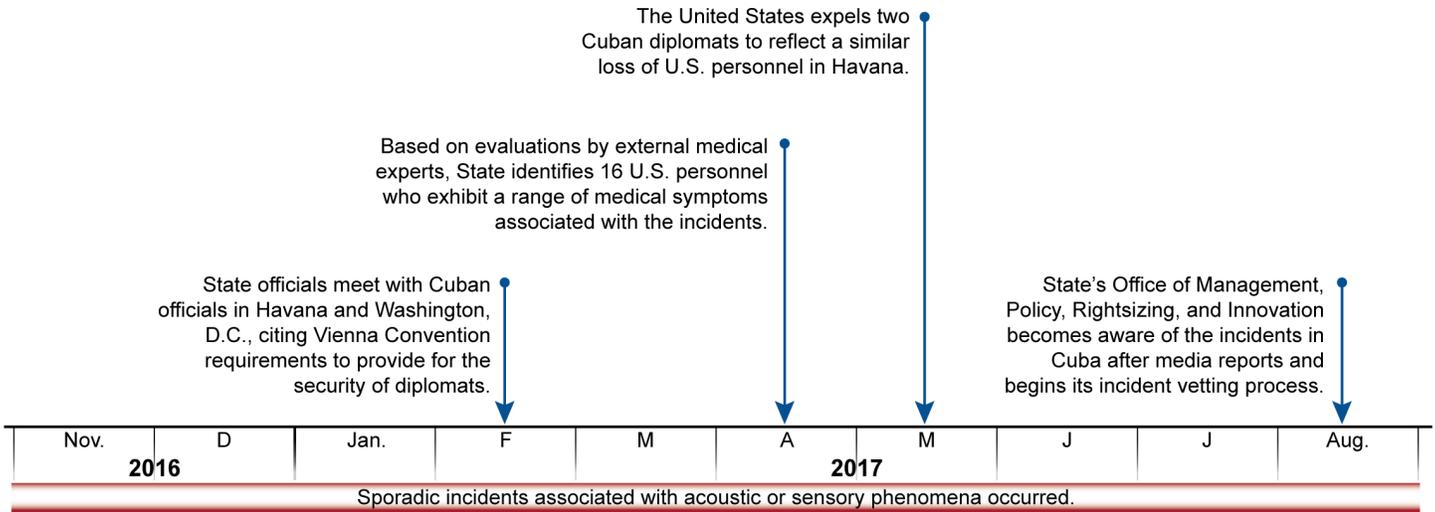
As noted in our July 2018 report, State's ARB policy does not ensure that the office responsible for the incident vetting process—M/PRI—is made aware of incidents that may meet the ARB statute criteria, such as those that occurred in Cuba and were associated with injuries to U.S. personnel.⁴ According to State's *Foreign Affairs Manual* (FAM), M/PRI is in charge of the incident vetting process and makes an initial determination as to whether to form the committee that would recommend to the Secretary of State whether to convene an ARB.⁵ According to State policy, as soon as M/PRI becomes aware of potentially qualifying incidents, M/PRI will start the process for considering whether the incident warrants an ARB. M/PRI relies on informal communication to identify potentially qualifying incidents to begin the vetting process because State does not have a policy, procedure, or process for internal communication of such incidents to M/PRI, according to State officials and our analysis.

As illustrated in the figure below, other State entities began responding to the incidents in early 2017, but M/PRI was not made aware of the incidents until mid-August 2017, when a former M/PRI official contacted the office after seeing media reports. M/PRI officials said they typically become aware of potentially qualifying incidents when such incidents are discussed internally or widely publicized.

⁴[GAO-18-615](#).

⁵Department of State, 12 FAM 032. If M/PRI decides the ARB statute criteria are not applicable, M/PRI will notify committee members in writing, providing a summary of the incident and an explanation as to why the criteria do not apply. If any member of the committee disagrees, M/PRI will convene the committee.

Figure 1: State’s Office Responsible for the ARB Process Became Aware of Incidents in Cuba after Media Reports in August 2017



Source: GAO analysis of agency data. | GAO-18-695T

Note: According to the Department of State’s (State) *Foreign Affairs Manual*, the Office of Management Policy, Rightsizing, and Innovation is responsible for leading the incident vetting process to evaluate whether incidents meet Accountability Review Board (ARB) statute criteria.

Officials from the responding State entities, including the bureaus of Western Hemisphere Affairs, Diplomatic Security, and Medical Services, said it was unclear whether the incidents met the criteria for convening an ARB and they did not inform M/PRI of the incidents. However, we found that the FAM and other guidance do not instruct State entities to evaluate whether incidents meet the ARB criteria before reporting such incidents to M/PRI. According to the FAM, M/PRI will call a Permanent Coordinating Committee meeting to review incidents that either meet the ARB statute criteria or where the applicability is questionable.⁶ The committee will, as quickly as possible after an incident occurs, review the available facts and recommend to the Secretary whether to convene an ARB. M/PRI initiated State’s incident vetting process in August 2017, the Permanent Coordinating Committee met in September and November 2017 to discuss the incidents in Cuba, and the Secretary convened an ARB on January 12, 2018. As a result of the incidents in Cuba, M/PRI officials told us they realized that they may not be aware of all incidents that may

⁶12 FAM 032.1(e)(2)-(3).

involve injury to U.S. diplomats. M/PRI has taken some steps—such as being added to internal distribution lists that inform recipients of events occurring at diplomatic posts—to address this issue.

If M/PRI is not aware of incidents, it cannot initiate State’s ARB incident vetting process. This situation puts State at risk of not meeting statutory time frames for convening an ARB and could result in State being less able to improve security programs and practices at other U.S. diplomatic posts. *Standards for Internal Control in the Federal Government* call for internal communication to achieve the entity’s objectives and note that management should document responsibilities through policy.⁷ We recommended that State revise its policies to define responsibilities for internal communication to M/PRI of incidents that may involve injury, loss of life, or destruction of property to ensure incidents are promptly vetted for ARB consideration. State concurred with our recommendation and said it will improve its processes for ensuring effective internal communication.

State Has Encountered Management Challenges Related to the Incidents in Cuba: Preliminary Observations

Regarding our broader ongoing review of State’s response to the incidents in Cuba, we have developed some preliminary observations regarding three key management challenges related to the unexplained nature of the incidents—specifically, (1) mitigating the risk to U.S. personnel posed by the unexplained incidents, (2) caring for affected personnel and family members, and (3) communicating within State and with external stakeholders. On May 23, 2018, State established the Health Incidents Response Task Force to direct the response to these and other challenges. The task force includes interagency partners, such as the Departments of Health and Human Services (including the Centers for Disease Control), Commerce, Justice, Defense, and Energy, among others. As part of our ongoing work, we will continue to evaluate State’s evolving response to the incidents and gather additional information regarding these, and other, potential challenges.

⁷GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014), principles 12 and 14.

Mitigating Risk to U.S. Personnel Posed by Unexplained Incidents

According to State officials, as of July 2018, the unknown nature of the incidents limited State's ability to comprehensively mitigate the risk of injury to personnel in Havana and elsewhere.⁸ According to State, because the department does not have definitive answers on the cause or source of the attacks, it has been unable to recommend a means to mitigate exposure. Instead, on September 29, 2017, State ordered the departure of family members and non-emergency personnel in Havana, Cuba, to minimize the number of U.S. personnel and family members at risk of exposure to harm. Although the cause had not been identified, in July 2018, State directed all diplomatic posts to review and, if necessary, revise their emergency action plans to incorporate new protocols for responding to health incidents.⁹ As of August 2018, State reported assessing over 500 personnel at seven diplomatic posts for medical issues related to the unexplained incidents. According to State officials, most of the people assessed had no reported symptoms, findings, or reported exposure to an incident. As of August 23, 2018, personnel traveling to Havana, Cuba, are required to undergo a medical assessment, to establish a baseline to help determine if someone were to suffer injuries as a result of an incident, according to State officials. We are continuing to examine this issue as part of our ongoing work.

Caring for Affected Personnel and Family Members

State officials have reported that caring for affected personnel and family members is their top priority; however, we have identified multiple issues related to State's provision of care for affected U.S. personnel.

- *Domestic medical evacuations.* In late August 2017, State began referring embassy personnel and family members to the University of Pennsylvania for detailed evaluations and care—including individuals who had been previously determined to have been affected and individuals who had reported recent exposures. However, some embassy personnel had already departed Cuba for the United States

⁸In June 2018, Secretary Pompeo stated that the precise nature of the injuries and whether a common cause existed had not yet been established. Because the cause of the incidents remains unknown, State officials told us that there may need to be an additional investigation after State has a better understanding of the cause of the incidents in order to identify additional ways of mitigating the risk to U.S. personnel at diplomatic posts. U.S. agencies are in the process of attempting to determine the precise nature and cause of the incidents, but have not reached any conclusions, according to State officials.

⁹State, *New Protocol to Assist Posts When Faced With Potential Unexplained Health-Security Incidents*, 18 STATE 71614 (Washington, D.C.: July 13, 2018).

for a variety of reasons.¹⁰ State officials had to request special authority to conduct medical evacuations from domestic locations because they normally only transfer patients from Cuba back to the United States for care, and not from one location within the United States to another. According to State officials, when requested, domestic medical evacuations were quickly authorized, and on August 28, 2018, State delegated authority for domestic medical evacuations to State's Medical Director.

- *Excused absences for ongoing treatment.* According to State officials, affected personnel qualify for excused absences to receive treatment. However, we were told that some affected personnel were having difficulty obtaining approval for such excused absences. We are currently examining this issue.
- *Long-term care.* Because of the unknown cause of the incidents and undetermined long-term effects, State may need to provide long-term care to the affected personnel and family members. As of August 2018, the department was exploring how to optimally address coverage for longer-term health care needs and had encouraged affected personnel to file workers' compensation claims with the Department of Labor, according to State officials.

We will continue to follow up on these and other issues related to caring for U.S. personnel during the course of our ongoing work.

Communication within State and with Other Stakeholders

State had difficulties in communicating with internal and external stakeholders. For example, as mentioned earlier, State bureaus did not communicate the occurrence of the incidents to M/PRI when they initially occurred so that the ARB incident vetting process could commence. Externally, State also experienced difficulties in communicating with other departments and agencies in responding to the incidents.¹¹ To address these communication challenges, the recently established Health Incidents Response Task Force said it holds two weekly meetings, one

¹⁰Through September 2017, some embassy personnel had departed Cuba for the United States for reasons including Hurricane Irma, being affected by the incidents, and routine departures.

¹¹We have previously identified areas where State has had difficulty communicating with other agencies. We found that several factors can inhibit the timely communication of threat information to non-State personnel at embassies. GAO, *Diplomatic Security: State Should Enhance Its Management of Transportation-Related Risks to Overseas U.S. Personnel*, [GAO-17-124](#) (Washington, D.C.: Oct. 4, 2016).

with internal State stakeholders and one with external stakeholders. The new protocols include guidance to help improve State's internal and external communication should incidents occur elsewhere in the future. We will continue to follow up with State on these communication issues.

On August 30, 2018, the Secretary submitted a report to Congress on the ARB that was convened on January 12, 2018. The report outlined the ARB's recommendations and actions taken in response. According to an August 30, 2018, State fact sheet on the ARB's findings, the ARB has identified some of the same challenges we have identified to date. We intend to review the ARB's findings as part of our ongoing review.

We are continuing our broader review of State's response to the incidents and will be following up on these topics, among others.

Chairman Cook, Ranking Member Sires, and Members of the Subcommittee, this concludes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

GAO Contact and Staff Acknowledgments

If you or your staff members have any questions about this testimony, please contact Brian M. Mazanec, Acting Director, International Affairs and Trade, at (202) 512-5130 or mazanecb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Judith McCloskey (Assistant Director), Ashley Alley, Debbie Chung, Christopher Hayes, and Brandon Hunt. In addition, Thomas Costa, Mary Denigan-Macauley, Neil Doherty, Justin Fisher, and Joseph Kirschbaum made technical contributions to this testimony.

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