



DEPARTMENT OF STATE

STATEMENT

OF

KENNETH MERTEN

**PRINCIPAL DEPUTY ASSISTANT SECRETARY OF STATE
BUREAU OF WESTERN HEMISPHERE AFFAIRS**

AND

**AMBASSADOR PETER W. BODDE
HEALTH INCIDENTS RESPONSE TASK FORCE**

BEFORE THE

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON WESTERN HEMISPHERE**

HEARING

ON

U.S. POLICY TOWARD CUBA AND HEALTH ATTACKS

SEPTEMBER 6, 2018

Chairman Cook, Ranking Member Sires, and distinguished members of the Committee:

Thank you for the opportunity to speak about the Administration's policy towards Cuba, and the attacks against our diplomats in Havana. The Department of State is represented by the Bureau of Western Hemisphere, the Health Incidents Response Task Force, the Bureau of Diplomatic Security, and the Bureau of Medical Services.

We thank you for your concern for the safety and security of our diplomatic personnel in Havana. As you know, that continues to be the Department's top priority. We appreciate the opportunity to provide an overview of the Department's work to implement President Trump's June 16, 2017, National Security Presidential Memorandum, Strengthening the Policy of the United States Toward Cuba (NSPM), and to discuss the Department's efforts to coordinate a multi-agency response to the unexplained attacks that have affected some members of Embassy Havana's diplomatic community. We ask this written statement be entered into the record.

The National Security Presidential Memorandum

The NSPM emphasizes advancing human rights and democracy in Cuba, reaffirms the economic embargo and the statutory ban on tourism to Cuba, and

aims to ensure U.S. engagement benefits the Cuban people and strengthens the Cuban private sector. It also maintains bilateral engagement on issues critical to U.S. national security and the public health and safety of the United States, such as law enforcement cooperation, disaster preparedness, and migration, especially the return of Cuban nationals with final orders of removal. Over the past year, the Department of State has worked diligently to put this policy into action.

Human Rights and the Cuban People

First, despite our reduced staffing, the Department monitors human rights developments in Cuba and actively engages with members of Cuban civil society in Havana, in Washington, and beyond. In April, then-Acting Secretary John Sullivan met with Cuban independent civil society leaders on the margins of the Summit of the Americas in Lima, Peru to reaffirm support for the Cuban people and applaud the work of activists in promoting a more open, free, and prosperous future for their country. During the country's Universal Periodic Review at the UN Human Rights Council in May, we denounced the undemocratic nature of the recent leadership transition and called attention to Cuba's abysmal human rights record. We have used such international fora to work with regional and like-minded partners to share these concerns and coordinate our respective approaches.

The Department and USAID also continue to administer U.S. government-funded programs to promote democracy and support the critical work of human rights defenders on the island. Despite the Cuban government's refusal to engage with us on human rights through a formal dialogue, we regularly speak out against the regime for repression and abuse and raise these concerns directly with the Cuban government. Our public condemnation of Cuba's oppressive tactics have resulted in some successes. Environmental activist Ariel Ruiz Urquiola and human rights defender Jose Daniel Ferrer were released from arbitrary detention in July and August respectively after the Department called out the Cuban government for silencing independent thinkers who peacefully criticize authority in Cuba.

Support for Cuba's Economy

Second, on November 8 of last year, the Department published its "Cuba Restricted List." As directed by the NSPM, this list identifies entities and sub-entities with which direct financial transactions would disproportionately benefit Cuban military, intelligence, or security services or personnel at the expense of the Cuban people or private enterprise. The Departments of Commerce and the Treasury made regulatory changes that same day to generally prohibit direct financial transactions with any of the 180 entities and sub-entities on this list. These changes redirect economic activity that once supported the Cuban military

toward the Cuban private sector and Cuban people. The Cuba Restricted List is a living document, and we will continue to review it periodically as new information becomes available.

Cuba and the Role of Technology

Third, the Department convened a task force to examine the technological challenges and opportunities for expanding internet access in Cuba. Consistent with the Federal Advisory Committee Act, the Cuba Internet Task Force held its first public meeting on February 7, and follow-on subcommittee meetings are taking place to develop recommendations on 1) the role of media and unregulated flow of information to Cuba and 2) expanding internet access in Cuba. Both subcommittees are meeting with relevant experts, stakeholders, and the public to prepare and submit a report for the task force's consideration by late summer 2018. The task force will review these recommendations and prepare a final report for the Secretary of State within a year. Unless extended by the President, the task force will complete its work by June 2019.

Promoting Stability and Prosperity

As directed by the NSPM, and in coordination with other relevant agencies, the Department also: 1) reviewed democracy programs in Cuba to ensure they

align with the criteria set forth in the LIBERTAD Act; 2) provided a report to the President detailing the Cuban regime's human rights abuses against the Cuban people and its lack of progress towards a "transition government" as described in the LIBERTAD Act; 3) provided a report to the President on bilateral engagement with Cuba to ensure it advances U.S. interests; 4) took a stand at the UN against Cuban anti-embargo propaganda; and 5) continues to work with the Department of Homeland Security to discourage dangerous, unlawful migration that puts Cuban and American lives at risk.

The Department will continue to deliver on President Trump's commitment to promote a stable, prosperous, and free country for the Cuban people, even with reduced staff at Embassy Havana.

Background on the Health Attacks

As you know, twenty-six individuals associated with Embassy Havana have incurred medically confirmed unexplained symptoms and health effects since the Department first became aware of these attacks on December 30, 2016. Reported acute symptoms have included dizziness, headaches, tinnitus, fatigue, visual problems, ear complaints and hearing loss, and difficulty sleeping. Many of the affected personnel later developed other symptoms, including cognitive problems and imbalance walking.

Timeline of the Department's Response: "Significant Unknowns"

While the Department first became aware of these health complaints and an increase in Cuban harassment in late December 2016, it was not until months later, after highly specialized medical testing was performed and analyzed by experts, that we began to understand the spectrum of severity and confirm the extent of the health effects. That confirmation indicated that these incidents went beyond routine harassment previously experienced by U.S. diplomats in Havana.

As Secretary Pompeo briefed the broader House Foreign Affairs Committee on May 23, the Department had also determined on May 18 that a single individual in Guangzhou, China, was found to have medical findings that were consistent with those of affected U.S. government personnel in Cuba, although we are unable to say whether the cause is likely the same.

Let us be clear. The Department does not currently know the mechanism for the cause of the injuries, the motive behind these attacks in Cuba, when they actually commenced, or who is responsible.

Commitment to Long-Term Support for Affected Personnel

Yet throughout this unprecedented situation, from the first reported health complaint through the confirmation of the onset of adverse related medical

symptoms, U.S. government medical professionals have ensured that competent and professional care has been provided to our impacted personnel. They collaborate closely with medical centers of excellence such as the University of Pennsylvania's Center for Brain Injury and Repair, the Walter Reed National Military Medical Center, and the National Institutes of Health. We have also asked the Centers for Disease Control for their expert involvement in understanding what transpired in Havana. In order to ensure our affected personnel have access to long-term workers' compensation coverage, the Department also works closely with the Department of Labor's Office of Workers' Compensation Programs. The Administration is currently reviewing existing authorities being used to respond to the injuries and the extent to which coverage gaps exist to make certain our impacted diplomats and their families receive the care they need and deserve without incurring unwarranted personal financial burden. We also are establishing a new position solely responsible for longer-term outreach and assistance to impacted personnel.

Our colleagues serving at embassies and consulates are among our government's most valuable assets. First and foremost, they are responsible for protecting American citizens and their interests overseas and successfully advocating for America's national security and foreign policy. The protection of

U.S. government employees serving abroad and their accompanying family members is the Department's highest priority.

Cuba and the Travel Advisory System

In keeping with our mandate to protect U.S. citizens abroad, the Department's Bureau of Consular Affairs launched an improved Travel Advisory system in January 2018. The Travel Advisory Program provides objective security information to permit U.S. citizens to make their own informed travel decisions. Cuba was given a Level 3 status, "reconsider travel," in part because attacks reportedly occurred at locations that may be frequented by private U.S. citizen residents and travelers. On August 23, the Department revised the Travel Advisory for Cuba to a Level 2, "increased caution," after undertaking a thorough review of the risks to private U.S. citizen travelers in Cuba and considering the U.S. Embassy in Havana is now able to provide all routine and emergency services to U.S. citizens.

The Cuba Accountability Review Board

While the mechanism of injury, the identity of the perpetrators, and the motive behind the attacks remain unknown, we have an obligation to ensure that

we continue to seek out the perpetrators, the motives and the means behind these attacks.

To that end, in January 2018, then-Secretary Tillerson asked Ambassador Bodde to lead an independent Accountability Review Board (ARB) to review, among other things, the extent to which the medical conditions were security related, whether the security systems and security procedures were adequate, and whether the security systems and procedures were properly implemented.

The ARB interviewed 116 individuals, including affected personnel, and traveled to Cuba. The ARB completed and submitted its report to Secretary Pompeo on June 7. Following completion of the ARB, the Deputy Secretary asked Ambassador Bodde to coordinate the daily operations of the Health Incidents Response Task Force – a body the Deputy Secretary stood up at the Secretary’s request in May - to coordinate the U.S. government response to the health incidents. In this position, Ambassador Bodde helps to put into practice important ARB recommendations as quickly as possible, as well as better organize the Department’s leadership and the interagency to continue to support our people and figure out who and what is causing these injuries. The Secretary accepted all of the ARB’s 30 recommendations and the Department is well on its way in implementing them, with more than half of the recommendations already completed.

Importance of Congressional Interest

Mr. Chairman and Ranking Member Sires, we want to assure you that we continue our efforts to leverage all governmental, medical, investigative, intelligence and scientific capabilities to address the most pressing questions surrounding these attacks. Your support remains a key element to our success. Congressional interest is crucial as we work diligently to identify and understand the mechanism for the cause of the injuries, the motive behind these attacks and the identity of the perpetrators. We also look forward to working with you as we fulfill our commitment to stand by those impacted members of the diplomatic community.

