

U.S. POLICY TOWARD CUBA

HEARING
BEFORE THE
SUBCOMMITTEE ON
THE WESTERN HEMISPHERE
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

SEPTEMBER 6, 2018

Serial No. 115-171

Printed for the use of the Committee on Foreign Affairs



Available: <http://www.foreignaffairs.house.gov/>, <http://docs.house.gov/>,
or www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE

31-450PDF

WASHINGTON : 2018

COMMITTEE ON FOREIGN AFFAIRS

EDWARD R. ROYCE, California, *Chairman*

CHRISTOPHER H. SMITH, New Jersey	ELIOT L. ENGEL, New York
ILEANA ROS-LEHTINEN, Florida	BRAD SHERMAN, California
DANA ROHRABACHER, California	GREGORY W. MEEKS, New York
STEVE CHABOT, Ohio	ALBIO SIRES, New Jersey
JOE WILSON, South Carolina	GERALD E. CONNOLLY, Virginia
MICHAEL T. McCAUL, Texas	THEODORE E. DEUTCH, Florida
TED POE, Texas	KAREN BASS, California
DARRELL E. ISSA, California	WILLIAM R. KEATING, Massachusetts
TOM MARINO, Pennsylvania	DAVID N. CICILLINE, Rhode Island
MO BROOKS, Alabama	AMI BERA, California
PAUL COOK, California	LOIS FRANKEL, Florida
SCOTT PERRY, Pennsylvania	TULSI GABBARD, Hawaii
RON DeSANTIS, Florida	JOAQUIN CASTRO, Texas
MARK MEADOWS, North Carolina	ROBIN L. KELLY, Illinois
TED S. YOHO, Florida	BRENDAN F. BOYLE, Pennsylvania
ADAM KINZINGER, Illinois	DINA TITUS, Nevada
LEE M. ZELDIN, New York	NORMA J. TORRES, California
DANIEL M. DONOVAN, Jr., New York	BRADLEY SCOTT SCHNEIDER, Illinois
F. JAMES SENSENBRENNER, Jr., Wisconsin	THOMAS R. SUOZZI, New York
ANN WAGNER, Missouri	ADRIANO ESPAILLAT, New York
BRIAN J. MAST, Florida	TED LIEU, California
FRANCIS ROONEY, Florida	
BRIAN K. FITZPATRICK, Pennsylvania	
THOMAS A. GARRETT, Jr., Virginia	
JOHN R. CURTIS, Utah	

AMY PORTER, *Chief of Staff*

THOMAS SHEEHY, *Staff Director*

JASON STEINBAUM, *Democratic Staff Director*

SUBCOMMITTEE ON THE WESTERN HEMISPHERE

PAUL COOK, CALIFORNIA, *Chairman*

CHRISTOPHER H. SMITH, New Jersey	ALBIO SIRES, New Jersey
ILEANA ROS-LEHTINEN, Florida	JOAQUIN CASTRO, Texas
MICHAEL T. McCAUL, Texas	ROBIN L. KELLY, Illinois
MO BROOKS, Alabama	NORMA J. TORRES, California
RON DeSANTIS, Florida	ADRIANO ESPAILLAT, New York
TED S. YOHO, Florida	GREGORY W. MEEKS, New York
FRANCIS ROONEY, Florida	

CONTENTS

	Page
WITNESSES	
The Honorable Kenneth H. Merten, Acting Principal Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, U.S. Department of State	8
The Honorable Peter Bodde, Coordinator, Health Incidents Response Task Force, U.S. Department of State	10
Brian M. Mazanec, Ph.D., Acting Director, International Affairs and Trade, U.S. Government Accountability Office	23
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
The Honorable Paul Cook, a Representative in Congress from the State of California, and chairman, Subcommittee on the Western Hemisphere: Prepared statement	4
The Honorable Kenneth H. Merten and the Honorable Peter Bodde: Prepared statement	12
Brian M. Mazanec, Ph.D.: Prepared statement	25
APPENDIX	
Hearing notice	50
Hearing minutes	51
The Honorable Eliot L. Engel, a Representative in Congress from the State of New York:	
Department of the Navy letter	52
Congressional Research Service report	53
Questions submitted for the record by the Honorable Paul Cook, a Representative in Congress from the State of California, and chairman, Subcommittee on the Western Hemisphere	57

U.S. POLICY TOWARD CUBA

THURSDAY, SEPTEMBER 6, 2018

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:02 p.m., in room 2172, Rayburn House Office Building, Hon. Paul Cook (chairman of the subcommittee) presiding.

Mr. COOK. All right. A quorum being present, the subcommittee will come to order.

I would like to now recognize myself for an opening statement.

Today we meet to consider the U.S. policy toward Cuba, a Communist country with a repressive regime that continues to actively restrict freedom of expression, association, and assembly, and to harass and jail Cuban citizens who seek freedom.

As expected, even with the recent rise of the new President who is not named Castro, nothing has changed. Just this week, Martha Sanchez from Ladies in White was sentenced to 4 years in prison for peacefully protesting against the regime. Miguel Diaz-Canel took office without a vote from the Cuban people. Raul Castro continues to hold considerable sway over the government decisions, and the national assembly endorsed a new constitution in July that retains the same authoritarian political system and reinforces the Communist Party's control.

Cuba maintains close relations with Russia and China, providing these actors with influenced platforms to form an anti-American agenda. Additionally, Cuba meddling in Venezuela and Nicaragua has contributed to increased repression and the mass exodus of refugees throughout the region.

In June 2017, President Trump announced change in the U.S. policy toward Cuba with the issuance of the National Security Presidential Memorandum. This action rolled back key parts of the Obama administration's failed Cuban policy, tightened restrictions on U.S. tourism to the island, restricted the flow of money to the Cuban military intelligence and security service, and continued U.S. support for the Nation's private small business sector in Cuba.

The Trump administration has continued U.S. support for democracy and human rights in Cuba and in calling for the release of political prisoners. Multiple efforts exist to support the critical work of human rights defenders on the island, communicate independent news to the Cuban people through the Office of Cuban Broad-

casting, and increase internet connectivity with the State Department's internet task force. And I fully support these actions.

However, given the state of Cuban destabilization activities in the region, and subsequent migration flow is an increasing regional instability throughout the hemisphere, I believe it is in U.S. national interest to work more with regional partners to curb the Cuban regime's ability to wreak havoc on its people and on the region.

The U.S. should also continually update the list of 180 prohibited Cuban entities and individuals announced last year to further prevent U.S. financing to Cuban regime elements, reestablish the Cuban medical professional parole program allowing Cuban medical professionals forced into modern-day slavery by the Cuban regime to apply for parole status in the United States, and to continue efforts to combat intelligence operations and covert activities with the Russians and Chinese, advocate for the return of U.S. fugitives from Cuba such as Joanne Chesimard, and address outstanding U.S. property claims.

However, overshadowing all these issues are the unexplained health incidents that the State Department has assessed were targeted attacks on 26 U.S. diplomats and several Canadian Government personnel serving in Havana. The Cuban regime failed in its international obligation to protect diplomats in Cuba, and for that it must be held accountable. I am further concerned about the fact that we have yet to determine the cause or perpetrator of the attacks.

The Cuban Accountability Review Board, known as the ARB, was submitted to Congress last week. It found that the Department's security systems and procedures were adequate, but significant vacancies and challenges with information sharing existed in the Department's response to the attacks.

Similarly, the Government Accountability Office, the GAO, issued a recent report at the request of chairman emeritus Ros-Lehtinen and this subcommittee that found that the Department's policies, procedure, process, and internal communications delayed the Cuban ARB from starting its work by 8 months.

The Department's leadership, whether in a combined or acting role, is responsible for the safety and security of Americans serving overseas at U.S. missions. Twenty-six Americans are injured in the service to their country, some of them severely. In today's hearing, I also want to examine the Department's response to these attacks, its provision of care for U.S. personnel, and its plans to improve the significant management gaps that the GAO found.

In conclusion, I believe the Trump administration's caution in staffing the U.S. Embassy in Havana is essential and prudent until we can determine the cause of these attacks and effectively mitigate it. While this decision clearly has an impact on Embassy operations and objectives in Cuba, that pales in comparison to the risks associated with putting more Americans in harm's way unnecessarily.

With that, I am going to turn to the ranking member for his opening remarks. I just want to make one final comment in that we have had a busy morning, and we met with the foreign minister from Colombia, and we had 15 members in attendance for that. I

want to thank everybody that was on this committee and the Foreign Affairs Committee, including the ranking member. We had a very, very productive session.

This is ambitious today because we are going to have an open hearing and then we are going to go down to the sealed chamber, the secret chamber known as the SCIF. But in between that, we have a vote—or we have a number of votes, I don't know how many, but they are looking at, military time, I think it is about 1500, 1515.

So with that, I think I have rambled long enough, and I will turn to my good friend, the ranking member.

[The prepared statement of Mr. Cook follows:]

Chairman Paul Cook
Opening Statement
Foreign Affairs Committee's Subcommittee on the Western Hemisphere
"U.S. Policy Toward Cuba"
Thursday, September 6th in Rayburn Room 2172

Today, we meet to consider U.S. policy toward Cuba, a Communist country with a repressive regime that continues to actively restrict freedom of expression, association, and assembly and to harass and jail Cuban citizens who seek freedom. As expected, even with the recent rise of a new president who is not named Castro, nothing has changed. Miguel Diaz-Canel took office without a vote from the Cuban people, Raul Castro continues to hold considerable sway over government decisions, and the National Assembly endorsed a new constitution in July that retains the same authoritarian political system and reinforces the Communist Party's control. Cuba maintains close relations with Russia and China, providing these actors with influence platforms to foment an anti-American agenda. Additionally, Cuban meddling in Venezuela and Nicaragua has contributed to increased repression and the mass exodus of refugees throughout the region.

In June 2017, President Trump announced a change in U.S. policy toward Cuba with the issuance of the National Security Presidential Memorandum. This action rolled back key parts of the Obama Administration's failed Cuba policy, tightened restrictions on U.S. tourism to the island, restricted the flow of money to the Cuban military, intelligence, and security services, and continued U.S. support for the nascent private, small business sector in Cuba. The Trump Administration has continued U.S. support for democracy and human rights in Cuba and in calling for the release of political prisoners. Multiple efforts exist to support the critical work of human rights defenders on the island, communicate independent news to the Cuban people through the

Office of Cuba Broadcasting, and increase Internet connectivity with the State Department's Internet Task Force, and I fully support these actions.

However, given the stakes of Cuban destabilization activities in the region and subsequent migration flows and increasing regional instability throughout the hemisphere, I believe it is in the U.S. national interest to work more with regional partners to curb the Cuban regime's ability to wreak havoc on its people and on the region. The U.S. should also continually update the list of 180 prohibited Cuban entities and individuals announced last year to further prevent U.S. financing to Cuban regime elements, reestablish the Cuban Medical Professional Parole Program allowing Cuban medical professionals forced into modern-day slavery by the Cuban regime to apply for parole status in the U.S., continue efforts to combat Cuban intelligence operations and covert activities with the Russians and Chinese in the region, advocate for the return of U.S. fugitives from Cuba, such as Joanne Chesimard, and address outstanding U.S. property claims.

However, overshadowing all these issues, are the unexplained health incidents that the State Department has assessed were targeted attacks on 26 U.S. diplomats and several Canadian government personnel serving in Havana. The Cuban regime failed in its international obligations to protect diplomats in Cuba, and for that, it must be held accountable. I am further concerned about the fact that we have yet to determine the cause or perpetrator of the attacks. The Cuba Accountability Review Board (ARB) was submitted to Congress last week. It found that the Department's security systems and procedures were adequate, but significant vacancies and challenges with information-sharing existed in the Department's response to the attacks. Similarly, the Government Accountability Office (GAO) issued a recent report at the request of Chairman Emeritus Ros-Lehtinen and this Subcommittee that found that the Department's policy, procedure, process, and internal communications delayed the Cuba ARB from starting its work by eight

months. The Department's leadership – whether in a confirmed or Acting role – is responsible for the safety and security of Americans serving overseas at U.S. missions. 26 Americans are injured in the service to their country, some of them severely.

In today's hearing, I also want to examine the Department's response to these attacks, its provision of care for U.S. personnel, and its plans to improve the significant management gaps that the GAO found. In conclusion, I believe the Trump Administration's caution in staffing the U.S. embassy in Havana is essential and prudent until we can determine the cause of these attacks and effectively mitigate it. While this decision clearly has an impact on embassy operations and objectives in Cuba, that pales in comparison to the risks associated with putting more Americans in harm's way unnecessarily. With that, I turn to Ranking Member Sires for his opening remarks and look forward to hearing from our witnesses.

###

Mr. SIREs. Thank you, Chairman Cook, for holding this hearing. And thank you to our witnesses for being here today.

Though U.S. policy toward Cuba has varied over the last few years, it is important that any policies considered take into account the fact that the Cuban Government has done nothing to garner the trust of the Cuban people or the international community over the last 50 years.

This administration spoke of supporting human rights in Cuba, yet their proposed cuts to democracy assistance suggests that this is just another example of an underdeveloped policy that has not fully been thought through. The Cuban people have been suffering for far too long under the Castro regime, and many risk their lives every day to fight for the basic freedoms. The United States must continue to stand with the Cuban people and urge their government to respect the rule of law, human rights, freedom of speech, assembly, and proceed with free and fair elections.

The feigned transition of power that occurred in Cuba this April was nominal, and we should not be under any illusions about who really holds the seat of power in Cuba. Miguel Diaz-Canale was hand picked to succeed Raul Castro, who retains control of both the Communist Party and the military. Raul Castro continues to lead from the shadows leaving no room for any meaningful reform.

In addition to Cuba's sordid history of human rights abuses, the nation continues to maintain relationship with questionable state actors and support corrupt regimes such as Venezuela's Maduro and Nicaragua's Ortega. With a proven pattern of despicable and dubious behavior, we should ensure that any policy toward Cuba does not readily offer major concessions to the Cuban Government.

I look forward to hearing from this administration. And thank you again, Chairman, and thank everyone for being here today. And I yield back the balance of my time.

Mr. COOK. Thank you very much.

Before I recognize you to provide your testimony, I am going to explain the lighting system in front of you. This is not just for you, it is for me, because I will mess it up. My staff will get mad at me.

You each will have 5 minutes to present your oral statement. When you begin, the light will turn green. When you have a minute left, the light will turn yellow. When your time has expired, the light will turn red, unless we lose the electricity. I ask that you conclude your testimony once the red light comes on.

After our witnesses testify, members will have 5 minutes to ask questions. I urge my colleagues to stick to the 5-minute rule to ensure that all members get the opportunity. If we don't have that many members, we have a tendency to go back if people want to ask additional questions, and that is based upon what is going on.

Our first witness to testify today will be Ambassador Kenneth Merten, the Acting Principal Deputy Assistant Secretary in the Bureau of Western Hemisphere Affairs. Previously, Ambassador Merten served as the Ambassador to the Republic of Croatia and Haiti. He also served as Deputy Executive Secretary to former Secretary of State Clinton and earlier to Secretary Rice. His overseas assignments have been in France, Belgium, Germany, and Haiti. In Washington, he served in the State Department's Operations Center as well as the Bureau of Economic and Business Affairs.

Our second witness to testify is Ambassador Peter Bodde, Coordinator for the Health Incidents Response Task Force at the U.S. Department of State. Previously, the Ambassador served as Ambassador to Libya, Tunisia, and Nepal, and retired from the Department in 2017. He returned from retirement in February 2018 to chair the Cuba Accountability Review Board, known as the ARB, and now the Health Incidents Task Force. He has had multiple overseas assignments in Iraq, Malawi, Pakistan, Nepal, Germany, India, Denmark, Bulgaria, Guyana, and Washington. Ambassador Bodde served in the State Department's Bureau of Diplomatic Security and Administration.

Our last witness to testify, the Acting Director for International Affairs and Trade at the U.S. Accountability Office, GAO. At GAO, Dr. Mazanec was responsible for a portfolio focused on international security. He also worked in the GAO's Defense Capabilities and Management team.

We are also joined by Dr. Charles Rosenfarb, the medical director in the Bureau of Diplomatic Services at the U.S. Department of State, as well as Mr. Todd Brown, the Assistant Director for Countermeasures in the Bureau of Diplomatic Security at the Department of State. Dr. Rosenfarb and Mr. Brown submitted written testimony and will sit on the panel to provide answers to many of the questions we hope will be asked.

Ambassador Merten, you are recognized.

STATEMENT OF THE HONORABLE KENNETH H. MERTEN, ACTING PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF WESTERN HEMISPHERE AFFAIRS, U.S. DEPARTMENT OF STATE

Ambassador MERTEN. Thank you very much, Mr. Chairman.

Mr. COOK. The microphone.

Ambassador MERTEN. Oh, sorry.

Thank you very much, Mr. Chairman, Ranking Member Sires, and distinguished members of the committee. Thanks for the opportunity to speak about the administration's policy toward Cuba and the attacks against our diplomats, our colleagues in Havana.

I am pleased to be here today with my colleagues from Health Incidents Response Task Force, Bureau of Diplomatic Security, Bureau of Medical Services, and with a representative of the GAO. Thanks for your concern for the safety and security of our diplomatic personnel in Havana, which is the Department's top priority.

I will begin today by providing 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. And we will refer to that as the NSPM going forward, I think. I will then turn to my colleague from the Health Incidents Response Task Force, Ambassador Bodde, who will speak on the health attacks. I ask that the Department's written statement be entered into the record.

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 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 U.S. The Department of State has worked diligently to put this policy into action.

First, despite our reduced staffing, the Department monitors human rights developments in Cuba and actively engages with members of the Cuban civil society in Havana, in Washington, and elsewhere. We use 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 critical work of the 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.

Second, on November 8 of last year, the Department published its Cuba restricted list. The Departments of Commerce and Treasury made regulatory changes on that same day to generally prohibit direct financial transactions with any of the 180 entities and subsidiaries on this list. These changes redirect economic activity that once supported the Cuban military toward the Cuban private sector and the Cuban people.

Third, the Department convened a task force to examine the technological challenges and opportunities for expanding internet access in Cuba. The Cuba Internet Task Force held its first meeting on February 7, and follow-on subcommittee meetings are taking place to develop recommendations on, one, the role of the media and unregulated flow of information to Cuba, and, two, expanding internet access in Cuba. The Task Force will review these recommendations and prepare a final report for the Secretary of State within a year.

The Department will continue to promote a stable, prosperous, and free country for the Cuban people, even with reduced staff at Embassy Havana. In fact, that is the main reason we are maintaining our presence there, so we can make continued progress toward those goals.

Before turning to Ambassador Bodde, I would like to emphasize upfront that the investigation into the health attacks is ongoing. There is still much we do not know, including who or what is behind the injuries to our colleagues.

With that, I yield the microphone to my colleagues to discuss this further, and I look forward to your questions. Thank you very much.

Mr. COOK. Thank you.

Before I turn it over to Ambassador Bodde, I have to apologize for mispronouncing his name. When I first read this, I thought, well, anyone who is related to Cheyenne Bodie—and anyone here that is young, leave the room, because you never heard of that show. But it was one of my favorite shows, and I was obviously intimidated by anybody named Bodde or related to Cheyenne.

So with that crazy introduction, Ambassador, the floor is yours.

STATEMENT OF THE HONORABLE PETER BODDE, COORDINATOR, HEALTH INCIDENTS RESPONSE TASK FORCE, U.S. DEPARTMENT OF STATE

Ambassador BODDE. Thank you Mr. Chairman.

Chairman Cook, Ranking Member Sires, and distinguished members of the subcommittee, thank you for the opportunity to testify before you on the Department of State's efforts to coordinate a multiagency response to the unexplained health attacks that have affected some members of Embassy Havana's diplomatic community.

I would like to speak about two challenges outlined in the Department's written statement. First, the challenge of responding to these attacks on our personnel with so many significant unknowns and the challenge of providing the best long-term care for our impacted personnel.

Mr. Chairman, Ranking Member Sires, my experience over the past 7 months serving first as the chair of the Cuba Accountability Review Board and now overseeing daily coordination of the Department and interagency activities leading the Health Incidents Response Task Force has given me an in-depth look into how the Department has responded to these attacks on our diplomatic community.

As you know, 26 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, hearing loss, and difficulty sleeping. Many of the affected personnel later developed other symptoms, including cognitive problems and imbalance walking.

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 and severity and confirm the extent of the health effects. That confirmation indicated that these incidents went beyond routine harassments previously experienced by our diplomats in Havana.

As Secretary Pompeo briefed the broader House Foreign Affairs Committee on May 23, the Department has also determined that on May 18, 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 me be clear, the Department does not currently know the mechanism for the cause of the injuries, the source, or the motive behind the attacks in Cuba or when they actually commenced, 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 insured that competent and professional care has been provided to our impacted personnel. They collaborate closely with the medical centers of excellence, such as the University of Pennsylvania Center for Brain Injury and Repair, the Walter Reed Na-

tional Military Medical Center, and the National Institute of Health.

We have also asked the Centers for Disease Control for their expertise to better understand what transpired in Havana. In order to ensure that 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.

When we found potential gaps in the ability to care for those affected under current authorities, we began discussing with other agencies in the White House possible legislative language, which we will share for your consideration once we have an interagency consensus, to make sure our impacted diplomats and their families receive the care they deserve without incurring personal financial burden. We are also establishing a new position solely responsible for the longer term outreach in assistance to impacted personnel.

Mr. Chairman and Ranking Member Sires, in conclusion, I want to assure you that we continue our effort 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 to understand the mechanism for the cause of the injuries, the motive behind these attacks, and the identity of the perpetrators.

I am pleased to take your questions. Thank you.

[The joint prepared statement of Ambassadors Merten and Bodde follows:]



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.

Mr. COOK. Thank you.

Dr. Mazanec, before I recognize you, I want to make sure you don't have any relatives that made westerns circa 1950, but after looking at you I don't think that is obviously relevant.

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

Mr. COOK. Please, if you would testify now. Thank you, sir.

STATEMENT OF BRIAN M. MAZANEC, PH.D., ACTING DIRECTOR, INTERNATIONAL AFFAIRS AND TRADE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Mr. MAZANEC. Thank you.

Good afternoon Chairman Cook, Ranking Member Sires, distinguished members of the subcommittee, and staff. Thank you for the opportunity to discuss GAO's work on the Department of State's response to the health incidents in Havana, Cuba.

As you are aware and as was just mentioned, since late 2016, U.S. personnel and their families in Havana have experienced incidents associated with unusual sounds or auditory sensations that resulted in serious injuries.

The unprecedented and unexplained nature of these incidents created some management challenges for State, as it responded and continues to respond. It is important to identify and address these challenges in order to help State improve security programs and practices at all overseas posts.

First, I will be discussing our July 2018 report, which was released yesterday, on State's process for convening an Accountability Review Board, or ARB. Second, I will be discussing our preliminary observations on three key management challenges related to the unexplained nature of the incidents.

On the first topic, we found that State does not have policies to ensure that its office is responsible for initiating a process for convening an ARB is made aware of incidents that may meet the ARB criteria.

The responsible office, State's Office of Management Policy, Rightsizing, and Innovation, or M/PRI, starts the incident vetting process as soon as it becomes aware of a potentially qualifying incident. However, M/PRI relies on informal communication to identify such incidents.

With regard to the situation in Havana, other State offices began responding to the incidents in January 2017; however, M/PRI was not made aware of the incidents until 8 months later in mid August when a former M/PRI official contacted the office after seeing media coverage of the incidents.

Officials from the responding State offices told us it was unclear whether the incidents met the criteria for convening an ARB, and thus, they did not inform M/PRI. However, it is not the role of State offices to evaluate whether the incidents meet ARB criteria before reporting them to M/PRI.

If M/PRI is not aware of incidents, it cannot initiate State's ARB incident vetting process. This puts State at risk of not meeting statutory timeframes for convening an ARB and, most importantly, could result in State being less able to improve security at overseas posts.

In our report, we recommended that State revise its policies to improve communication to M/PRI of incidents that may meet ARB criteria.

The second topic I would like to discuss today is our preliminary observations from our broader ongoing review of State's response to the incidents in Cuba. To date, we have identified three key management challenges related to the unexplained nature of the incidents.

The first management challenge relates to mitigating risk to U.S. personnel given the unknown nature of the incidents. Because the Department does not have definitive answers on the cause or source of the attacks, it has not been able to comprehensively reduce the risk of injury to personnel. Instead, State has taken other actions to mitigate risk, such as ordering the departure of family members and nonemergency personnel in Havana and directing all posts to review and, if necessary, revise their emergency action plans.

The second management challenge we identified is caring for affected personnel and family members. State officials have made it clear that caring for affected individuals is their top priority. However, State has faced multiple issues in providing this care. For example, the Bureau of Medical Services, MED, lacked authority for domestic medical evacuations to send individuals to the University of Pennsylvania for evaluations and care. This issue was addressed just last week when State delegated full authority for domestic medevacs to MED.

The third and final management challenge I want to highlight is State's communication with internal and external stakeholders. As mentioned earlier, State had issues ensuring M/PRI was in the loop as the incidents initially occurred. Externally, State also experienced difficulties in communicating with other departments and agencies in responding to these incidents.

As Ambassador Bodde noted, the ARB has completed its work. The ARB identified some of the same challenges I just mentioned, and State has also established the Health Incidents Response Task Force in May to direct the multiagency response to the incidents. Both of these efforts are resulting in changes that may address some of these management challenges.

As GAO continues its broader review, we will be examining the ARB's findings and State's ongoing response.

Chairman Cook, Ranking Member Sires, and members of the subcommittee, this concludes my statement. I look forward to your questions.

[The prepared statement of Mr. Mazanec follows:]



United States Government Accountability Office

Testimony

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

For Release on Delivery
Expected at 2:00 p.m. ET
Thursday, September 6, 2018

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/PR) 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

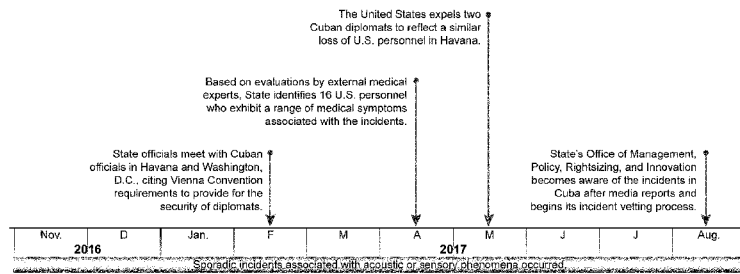
As noted in our July 2018 report, State's ARB policy does not ensure that the office responsible for the incident vetting process—M/PRI—is made aware of incidents that may meet the ARB statute criteria, such as those that occurred in Cuba and were associated with injuries to U.S. personnel.⁴ According 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.

⁴GAO-16-615.

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/PR I 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/PR I. According to the FAM, M/PR I 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/PR I 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/PR I officials told us they realized that they may not be aware of all incidents that may

⁶ 12 FAM 032.1(e)(2)-(3).

involve injury to U.S. diplomats. M/PR I 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/PR I 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/PR I 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.

GAO's Mission	The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.
Obtaining Copies of GAO Reports and Testimony	The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website (https://www.gao.gov). Each weekday afternoon, GAO posts on its website newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to https://www.gao.gov and select "E-mail Updates."
Order by Phone	<p>The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, https://www.gao.gov/ordering.htm.</p> <p>Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.</p> <p>Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.</p>
Connect with GAO	<p>Connect with GAO on Facebook, Flickr, Twitter, and YouTube.</p> <p>Subscribe to our RSS Feeds or E-mail Updates. Listen to our Podcasts.</p> <p>Visit GAO on the web at https://www.gao.gov.</p>
To Report Fraud, Waste, and Abuse in Federal Programs	<p>Contact:</p> <p>Website: https://www.gao.gov/fraudnet/fraudnet.htm</p> <p>Automated answering system: (800) 424-5454 or (202) 512-7700</p>
Congressional Relations	Orice Williams Brown, Managing Director, WilliamsO@gao.gov , (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548
Public Affairs	Chuck Young, Managing Director, youngc1@gao.gov , (202) 512-4800, U.S. Government Accountability Office, 441 G Street NW, Room 7149, Washington, DC 20548
Strategic Planning and External Liaison	James-Christian Blockwood, Managing Director, spel@gao.gov , (202) 512-4707, U.S. Government Accountability Office, 441 G Street NW, Room 7814, Washington, DC 20548



Please Print on Recycled Paper.

Mr. COOK. Thank you very much.

In the questions that come out right now, I think you are going to hear, I don't know, at least from me, we are somewhat bewildered, frustrated. You know, this goes back quite a while ago. When it first happened, we had some classified hearings on it, and no one could figure out what was going on. Ironically enough, I had a meeting where a number of us that were in Ottawa, and we were talking about trade and stuff like that, but I asked the same questions, since you had some folks from your Embassy that were involved in this. I am not saying we didn't get a straight answer, but I am still bewildered as to the origin of this.

Obviously, the staff there was cut down quite a bit because of the safety concerns, and I am always somewhat worried about the people that are in precarious positions throughout the world. I think sometimes we kind of forget about how dangerous it is, and my own personal experiences are going back to Iran when that hostage situation when they seized—the Ayatollah Khomeini, 400 days, it was really a mess. I can go discuss different countries and what have you.

The question I have is from a medical standpoint. Do you have any fingerprints on this who is responsible?

We even heard allegations that the Russians might be involved, and this and that. And so at least from my standpoint, we have got a lot of—what happened on this? Because I am worried about the Ambassadors, but I am more worried about the families and everyone else that can be innocent bystanders to something like this. And we will have a policy if we can just figure out what is going on.

Anybody want to address that rather long question?

Doctor? Sure.

Dr. ROSENFARB. Sir, I can speak from the medical perspective. We are frustrated as well. We know the accumulation of medical knowledge tends to be a very deliberate process. I can only speak to what we are trying to do to find out what caused the injuries.

You know, as you read previously, the symptoms people presented with were vague, very common symptoms. It took some time to figure out that they were connected. When we put the information together, they appeared to be similar to the symptoms and findings you would see in a traumatic brain injury or a head concussion, but obvious head trauma. So we had to kind of work backwards and find out what could cause that.

We identified the University of Pennsylvania and other locations to see our people, to do thorough evaluations, but still there is no obvious mechanism we know of that could cause that injury. The experts are exploring a number of possibilities.

Mr. COOK. Yeah, and we will talk about that.

Anything in the literature on this? Obviously, there is papers all the time, I am not saying this is going to be in the New England Journal of Medicine or what have you, but kind of like football injuries and don't let your son or your children get involved in this. There is nothing in the medical literature at all that—because it was on the front pages, it was big news there for a while, and no speculation from a medical standpoint?

Dr. ROSENFARB. There is nothing in the old medical literature. Again, this is kind of what we are seeing as a unique syndrome. Probably you can't even call it a syndrome. It is a unique constellation of symptoms and findings but with no obvious cause. There is a lot of speculation in the media. We prefer not to talk about speculation. All I know is the experts who have examined the patients are doing everything they can to determine, you know, where the injuries occurred, what part of the brain, and what possibly could cause it.

Mr. COOK. Thank you.

I am going turn it over to the ranking member for his questions.

Mr. SIRES. Chairman, I am going to let our ranking member of the Foreign Affairs Committee go first because I know he has things to do. So, Eliot?

Mr. COOK. I am going to apologize. I didn't see the ranking member hiding out down there.

Mr. ENGEL. Well, thank you, Mr. Chairman. Thank you, Mr. Ranking Member. Participating in these Western Hemisphere Subcommittee hearings always feels like coming home, since I was the chair for a number of years about a decade ago, and so it is a pleasure to be here.

I wanted to raise a few really important questions. Last month, I asked the Congressional Research Service to prepare a report for me on the impact of staff reductions at the U.S. Embassy Havana. I ask unanimous consent that this report be inserted into the record.

Mr. COOK. Yes, sir.

Mr. ENGEL. Okay. Thank you, Mr. Chairman.

Because of the Cuba health incidents, our Embassy staff has been drastically reduced from 50 Americans to 18. As a result, we are less able to process Cuban refugees, monitor human rights, and assist U.S. travelers. So no matter where one stands on Cuba policy, I think we can all agree on the importance of a functioning U.S. Embassy in Havana. It is essential to find a balance of protecting our diplomats and asserting our national interests.

In December, Chairman Royce and I sent a letter to the Centers for Disease Control and Prevention urging them to take a leading role in investigating the health incidents that affected U.S. personnel in Cuba. I think it is a no-brainer that as our Nation's top experts on health threats, the CDC should be at the forefront of this investigation, with the appropriate experts deployed in Havana.

I was pleased that the ARB recommended, and I quote, that the Department engage the CDC to undertake a comprehensive medical study of the symptoms and clinical findings related to the incidents in Cuba. So I am pleased that the CDC is finally involved, but I am concerned and, frankly, perplexed that it has come so late.

On August 16, my staff met with CDC investigators working on the Cuba health incidents, and they were on day four of their work. You heard that right. It is a year and a half after the first incidents took place, the CDC is only now just getting started.

So I would like to ask Dr. Rosenfarb and Ambassador Bodde, could you explain why it took so long for the CDC to get to work

on the Cuba health incidents? And why, on the other hand, did the CDC start their work on the confirmed China incident immediately?

Dr. ROSENFARB. Sir, I would like to just reinforce that it has taken time to understand the extent of the symptoms and findings and injuries. You know, right now, in retrospect, we know what you know. Injuries happened to folks, but way back when these things first started appearing in December 2016 and over the course of the next several months, it wasn't evident at that time. And then our first and foremost goal was to provide care to those people who were injured and do assessments. And we accomplished that over the next several months, from January 2017 going forward.

Once we felt we had people properly cared for in the fall of 2017, we began talking to CDC. We met with CDC informally a number of times in the fall of 2017, and that led to a formal request from the Department to CDC in December 2017 for their active assistance. And we have been very happy with CDC to this point. They have been great partners, and we hope to benefit from their work going forward.

Mr. ENGEL. Well, let me ask you, Dr. Rosenfarb, because I certainly appreciate your efforts to treat the victims of the health incidents and to get to the bottom of what happened both in Cuba and in China. So I wanted to ask you about an article that was recently brought to my attention.

I understand that the physician who first treated affected U.S. personnel was Michael Hoffer, a former military doctor, now at the University of Miami. A Time magazine article from June 2011 by Dr. Hoffer stated, and I quote:

“A U.S. military doctor deployed in Iraq subjected troops suffering from traumatic brain injuries to treatment with an unapproved drug in which he had a financial stake that may have harmed them, Pentagon investigators report.”

The article goes on to site an extensive Pentagon Inspector General report on this incident, and CBS News reported, and I quote, that investigators found the study did not use standard military concussion assessments on the soldiers, possibly resulting in sub-standard care.

Doctor, have you reviewed these articles or the report of the Inspector General before Dr. Hoffer was brought on to treat U.S. Embassy personnel? And have you received these documents since then?

Dr. ROSENFARB. I am aware of some of that. When this started to unfold back in early spring 2017, we, members of the U.S. Government medical team, reached out initially to Johns Hopkins University to try and figure out who would be the best placed person to see our personnel.

If you recall, initially, the thoughts were that this was some sort of acoustic attack. The symptoms initially appeared to be localized to the acoustic, the ear system. We reached out to Johns Hopkins. There was a recommendation to go to Dr. Hoffer because of his experience in the military treating brain injuries at the University of Miami.

So the first patients back in April and May 2017 were assessed by Dr. Hoffer. Subsequently, when we determined that it really probably was not localized to the acoustic system, it was more kind of a broader brain injury process, that is when we made efforts to find a center of excellence for brain injury and repair, and University of Pennsylvania was then identified, and patients have gone there since.

Mr. ENGEL. But doesn't it seem a bit strange that our diplomats suffering from concussion-like symptoms would be sent to a doctor who apparently did not use standard concussion assessments? Isn't that strange?

Dr. ROSENFARB. At the time, we felt he was the best qualified person, the recommendation we received, to do the initial evaluation.

Mr. ENGEL. Okay. Thank you.

If anyone else wants to comment.

Okay. Thank you very much. I yield back, Mr. Chairman.

Mr. COOK. Thank you.

I now recognize the gentleman from Alabama, Congressman Brooks.

Mr. BROOKS. Thank you, Mr. Chairman.

I have heard words like Socialist, Communist, authoritarian, represses and abuses its citizens basic freedoms or freedoms that we would take for granted in the United States of America. And upon reflection, that sounds a lot like China, but here we are talking about Cuba. And I would submit there is a major difference, of course, between China and Cuba, and that is that China is a significant geopolitical rival, perhaps a foe. Certainly, China is having a significant military buildup and is threatening in ways that Cuba is not. I would reference the South China Sea and what is happening there as but one example.

So with that all as a backdrop, the question is this: Should American foreign policy treat Cuba differently than how we treat China, with whom we have over \$400 billion in trade going back and forth? And if we should treat Cuba differently than we treat China, why? If not, why not?

Ambassador Merten, could you please take that first, and we will just work our way across to Ambassador Bodde and then Dr. Mazanec. And if Dr. Rosenfarb or Mr. Brown want to chime in too, that would be fine, but I don't know if this is an area of expertise for you.

Ambassador MERTEN. Sure. Thanks for the question. I think in our analysis, the situation in China regarding our employees there compared to the situation in Cuba, they are very different. I think we would see them, and Ambassador Bodde can speak to this in greater detail, but I think we see them as sort of apples and oranges.

We have 26 cases of people who have very, very similar symptoms, who have very similar effects. It seems to have really been targeted exclusively at our Embassy colleagues. The situation in China, to the best of my knowledge, we have one employee who has demonstrated similar symptoms. I don't think our medical experts at this point are prepared to say it is the exact same situation that

our colleagues in Cuba have been subjected to. So I think there is a fundamental difference we see, at this point anyway, in the cases.

I will let my other colleagues talk.

Mr. BROOKS. Well, perhaps my question wasn't clear. While certainly dozens of Americans suffering some kind of injury that we have not been able to define as to cause, it has to be something taken into account. I am thinking of a much bigger question, and the question is America's relationship with China versus relations with Cuba, the nature of the government, the repression of rights, Communists, Socialists, whatever adjectives you want to use.

So should we treat Cuba any different than we treat China? Because it seems that we treat China in a very favorable way relative to how we as Americans treat Cuba.

Ambassador MERTEN. Again, sir, you know, I am familiar with the case, our dealings with China, only as far as they touch this case. I have never served in China. I am not an expert. I am not an expert on East Asia. My experience in our dealings with China is limited really to this case mostly, and I don't see, because we see them as very different cases, that you can really make a comparison.

I don't disagree with you that China is a competitor certainly in the region. They are doing some things that we don't find necessarily a positive in the region, but I think, you know, in terms of our discussion with Cuba on this issue that we have been talking about thus far here today, I can't really say any more than I have already said.

Mr. BROOKS. Well, does anyone have an opinion on how we should be treating Cuba, given the way in which we treat other geopolitical rivals? It could be China. It could also be Russia. It could be any number of nations.

Ambassador Bodde, do you?

Ambassador BODDE. Sir, that is really outside my area of expertise. My feeling is that Ambassador Merten has made it clear. For this particular incident, we see them as two separate entities. In terms of how we treat Cuba, that is really a question of our overall Cuba policy.

Mr. BROOKS. All right. Let me drop the comparison then. Should we treat Cuba more friendly or more harshly?

Ambassador BODDE. I defer to my colleague from WHA for that.

Ambassador MERTEN. I mean, I think we always have to evaluate our relations with countries based on the whole of our relationship. We have a long history over these past many years with Cuba. We have a large expat group from Cuba who lives in this country, many of whom experienced firsthand the depredations of the Cuban regime. They have made those their concerns and their interests very clear, not only to us at the State Department, but I am sure also to many of you here in Congress. Again, I am not an expert on Asia. I can't speak to the details.

Mr. BROOKS. I wasn't asking about Asia. My question was strictly limited to Cuba.

Ambassador MERTEN. But I think, you know, we have a policy on Cuba, which was dictated by the National Security Presidential Memorandum. We are enacting that policy. We believe it is appropriate. We believe it is correct. We believe we are doing the best

we can to hold the Cuban regime accountable for lack of democracy and human rights abuses.

Mr. BROOKS. Thank you, Mr. Chairman.

Mr. COOK. Thank you very much.

I now recognize the ranking member, Mr. Sires.

Mr. SIRES. Thank you, Mr. Chairman.

If we are promoting democracy in Cuba, we are trying to, why are we cutting some of these programs that provide money to the Cuban democracy effort?

Ambassador?

Ambassador MERTEN. Thanks for the question. First of all, as I noted in my opening comments, we are seeking to promote human rights and democracy in Cuba. We have been asked to do that by the NSPM. I will not pretend that the reduction in our staffing has made that task easier. It has not. Nevertheless, we believe we can remain engaged with human rights activists and pro-democracy activists in Cuba.

In terms of funding specifically, as I understand it, there has been a global cut in these types of funding, so we haven't singled out Cuba in particular. But this very much remains a priority for our colleagues at the Embassy and for us at the State Department.

Mr. SIRES. You know, I wanted to add that maybe we treat Cuba differently because—I am sorry but my colleague left—they were actually putting nuclear weapons 90 miles away from Florida, and they have 30,000 people, 30,000 people in Venezuela controlling security apparatus in Venezuela. Now they have people in Nicaragua that are now starting to control the Nicaragua people. I just had a group of Nicaraguans in my office telling me that the people that were doing the torturing were the Cubans. And he was able to come to the United States and now he is going to be a voice for Nicaragua.

So there is a long history here of a lot of things that this regime has been wanting to destroy this country and many of its efforts. They have been players in many other places.

The other question that I have, you have a list of 180 entities associated with the Cuban military that you have that the State Department maintains. Are you considering updating that list? Because one of the things that I know, that the money that comes from Cuba basically is through tourism, but now the tourism has been taken away and put under the military. So, basically, tourism money goes to the military. So are you updating the list? And what has the effect been of this restricted list to the Cuban economy engagement?

Ambassador MERTEN. Sure. Yes, the list is a living document. The list wasn't put together and closed. We review it periodically with our interagency partners based on new information that we get.

I agree with you, the goal behind the Cuba restricted list that you are talking about was to do our utmost to ensure that elements of the Cuban state, particularly the ministry of defense, the Cuban military, wasn't benefiting or profiting from particularly American tourists that are American people that happen to be visiting Cuba for a variety of reasons.

So we hope to be channeling their activities in Cuba to the private sector, to B&Bs, that type of thing, small family private-sector run operations and, therefore, depriving the Cuban military of a source of income. I am not aware that we have done a quantitative analysis of the effect of that thus far. It is something we should probably do, but our belief is that it will have an impact on denying funding that would otherwise go to the Cuban state.

Mr. SIRES. Thank you. This program that we had with doctors that the Cuban Government uses to send to different countries in lieu of payment to Cuba, some of these doctors have asked for asylum in some of these places. That program is gone, isn't it?

Ambassador MERTEN. I am not aware, sir. I can't answer that. I will have to take that back and get you an answer.

Mr. SIRES. Ambassador, do you know if it is gone, that program?

Ambassador BODDE. I am sorry, sir. I am not aware. We will have to take that back and get an answer.

Mr. SIRES. Anybody that is aware of this? Because there used to be doctors that would ask for asylum and we would grant it to them.

Ambassador MERTEN. I don't know that we have granted any asylum cases. I will have to go check on that.

Mr. SIRES. Lately, you mean?

Ambassador MERTEN. I don't know that we ever have. I do know that there have been Cuban doctors who have been present in a number of countries. I was a master in Haiti. There were a number of Cuban doctors who were present there. I am not aware that any of them, certainly while I was there, ever asked for asylum, but, again, we will look into that and get an answer back to you.

Mr. SIRES. Okay. Thank you. Thank you, Chairman.

Mr. COOK. Thank you.

I recognize the gentleman from Florida, Mr. Yoho.

Mr. YOH0. Thank you, Mr. Chairman. Gentlemen, I appreciate you all being here.

I am from Florida. I represent the Third Congressional District, and we have gone down to Miami often to meet with the Cuban American population. And I want to build on that question that my colleague, Mr. Sires, brought up about the 180 individuals. That was a question that they brought up, so if you can get us that information of the individuals or businesses in Cuba that are blocked from doing business with the U.S., that would be very helpful so that we can put pressure on the appropriate entities and help make that come to fruition. And can you provide an update of where things stand regarding U.S. property claims?

Ambassador MERTEN. Sure. And we can get you that list, I believe, of Cuban entities that are on the list. If you or any of your colleagues or constituents are aware of other entities you believe—

Mr. YOH0. We have some.

Ambassador MERTEN [continuing]. Please send that on to us.

Mr. YOH0. We will send that on to you.

Ambassador MERTEN. We will investigate and have a look.

Regarding property claims, this has been one of our chief issues in terms of dealing with the Cuban Government. There are a lot of people who are now living in the United States, who have had

property expropriated by the Cuban Government. We have laws, I believe, if I am not mistaken, under the Libertad Act, to punish folks who were caught trafficking in such properties. And certainly it is a major issue in terms that we want to see resolved with the Cuban Government.

Mr. YOHO. Well, and this goes back to poor foreign policy. We should never have gone down this road without having this stuff worked out in the very beginning from the previous administration. To open up, you know, travel and going in there like everything is okay without having these things negotiated was a big, big mistake and a failure in foreign policy.

I have got people from Florida and all over the United States, basically, that had businesses down there, they have ports, cruise ships are going in there, and there are family ports that these families got their property confiscated from, and the Cuban Government's making a ton of money off of this illegal property. And for us to open up the borders or open up negotiations and relationships with them without having this worked out in the beginning was a terrible mistake in foreign policy, and this is something now we are trying to reel back. And once you let the toothpaste out of the tube, it is hard to get it back in and, unfortunately, we are here.

So how do you move forward from this point? I mean, you look at the situation of the Cuban people today, they are no better off than they were 30 years ago, are they? Anybody want to claim they are? No.

And so we are trying to build a democracy, and I am all for Radio Marti. We have been down to Miami, we have seen the broadcast studio, we have done interviews down there, and it is a great, it is a great tool to spread the message of liberty and freedom, which everybody in the world really wants and desires, yet you have got a Communist regime in there that is just not allowing that. So we can give pockets of that, and I think we should continue to do that, but boots on the ground. I think we need to relook at how we do things down there.

Does anybody have any ideas of what would be outside of the box that you are able to talk about?

Ambassador MERTEN. Sir, I would be happy, my colleagues from the Cuba desk, would be happy to have some discussions with you. I am not going to speculate here on possible policy avenues. I don't think it would be appropriate for me to do that.

Mr. YOHO. Anybody else here? No? No takers.

Okay. How about vacancies at the State Department? I know it was talked about a little bit, the lack of the confirmed leadership at the State Department impacted by State Department's response to the targeted attacks in Havana. Where are we at with the people that should be put into place and they are being held up or not being confirmed?

Ambassador BODDE. Sir, I am chairman of the ARB. We looked at this very issue, and one of the things we found when we were looking at it was that virtually everyone involved in responding to this crisis was acting in an acting capacity. It was the view of the Accountability Review Board that perhaps might have slowed down the response, that people didn't feel they had the necessary au-

thorities to do the jobs they had to do. That is one of the recommendations the Accountability Review Board made.

Mr. YOHO. Okay. And then let me just touch on the doctors in Cuba. President Obama, I thought, did us a great favor by getting rid of the wet-foot/dry-foot policy. We have got people down in, again, Florida. We saw the refugees coming over in boats, but when he got rid of the wet-foot/dry-foot policy, that virtually stopped.

And I thought he did that for the betterment of America and keeping the Cubans safe from crossing that strait, but what we found out, he did that to appease the Castro regime, to keep his doctors from coming over here. Because the doctors that they farm out to the rest of world bring in about \$18 billion of revenue to the Cuban Government. So he did this to better off the Cuban Government, not the Cuban people or our foreign policy, and I think it is another shameful thing that that administration did.

And with that, I yield back. Thank you.

Mr. COOK. Thank you.

Congresswoman Kelly.

Ms. KELLY. Thank you, Mr. Chair.

Ambassador Merten, when President Trump announced his intent to cancel President Obama's deal with Cuba, one of the stated aims of his new approach was to support the Cuban people. The policy curbed travel to and trade with Cuba and almost immediately the impact was clear: Cancellations at private bed and breakfast, restaurants that were accustomed to flocks of foreign patrons now empty, large tour groups set to hire a private classic car chauffeur service began receiving cancellations of their contracts.

Of President Trump's rhetoric and restrictive travel, regulations resulted in ambiguity, I would say, that caused U.S. travel to Cuba to drop by as much as 40 percent in the first part of 2018. Less independent travel means less revenue for Cuba's entrepreneurs who have risked so much for the chance to determine their economic future, many of which catered to those U.S. travelers. One restaurateur quoted by The Washington Post cites a 70 percent dip in business compared with the year prior.

The stated intent of the policy was to help the Cuban people, but they don't feel supported. And you kind of have been asked this before, but what changes do you plan to enact to carry out the policy stated intent to truly help the Cuban people?

Ambassador MERTEN. Thank you for the question. As I mentioned in my opening remarks, the NSPM not only reaffirms our embargo on Cuba, but also maintains the statutory ban on tourism. People who go to Cuba under one of the broad licenses given by the Treasury Department are not really, strictly speaking, supposed to be there as tourists.

Our goal is to deny the Cuban regime, particularly the Ministry of Defense and Cuban military, a stream of revenue that they had had before. There may be some collateral effect of this in that fewer people may be going, and fewer people going means less business to some of these private sector entities, which we certainly do want to see helped and we do want to see them thrive. But in an economic system where the incentives are, for lack of a better term, corrupted as they are in Cuba because you have the state which

is really involved in virtually every aspect of the economy, it is hard to do both of those things simultaneously.

So I understand your concern, but I hope I have explained the policy point on that.

Ms. KELLY. I understand it is hard to do both at the same time. But I guess in a way it seems like, at least for a little while, there was some economic development, people were more than surviving but thriving, and now, we pulled that back. So I wonder how we look in their minds also.

You said in your statement that the Cuba Internet Task Force should be receiving a report by late summer, so I assume any day now. What are the Cuban Government's plans for expanding internet access?

Ambassador MERTEN. We have had some discussions on this. Obviously, from our point of view—I shouldn't say obviously—from our point of view, one of the key tools that the regime has used against the Cuban people is control of information. And one of our goals is to increase internet penetration in that society. We believe this will ultimately be not only to the good of the Cuban people but to the good of society at large, which will expose them to a world that doesn't have controlled information.

So we're going to continue to beaver away at this. This is not going to be an area where we are going to see success from today to tomorrow. But I think, you know, constant pressure on them from us, from other partners, and increasing demands from the Cuban people will be able to see us over time, see some success in this area.

Ms. KELLY. You are scheduled to complete your work by June 2019 with this. Is there any danger that another country can step in and take advantage where we haven't been able to step in?

Ambassador MERTEN. You know, you have about exceeded my knowledge on this particular subject. I am happy to take that back and get back to you with an answer, but I don't want to mislead you.

Ms. KELLY. Thank you. I yield back.

Mr. COOK. Thank you.

Mr. Wilson, 2½ minute question, then we are going to adjourn.

Mr. WILSON. My goodness. Well, thank you, Chairman Cook.

And, Secretary Merten, I am really grateful that I see a bipartisan concern here, Congressman Sires and Congressman Yoho, and that is the relationship that exists between the Cuban people and their government, and in particular, the economic system where the Cuban military actually controls a phenomenal percentage of whatever enterprises. We didn't call them businesses. What percentage does the military control?

Ambassador MERTEN. I don't know that off the top of my head, sir. We can get back to you on that.

Mr. WILSON. It was my understanding it was a very high percentage and that whatever funding goes to the enterprise actually is to benefit the Cuban military and the oppression of the people of Cuba, not for what would be perceived as possible.

Also, in Cuba, when American tourists go there or tourists from around the world who have always gone there, they have never been barred from visiting the totalitarian state. But the people who

are at the enterprises, like a resort, a hotel, or whatever, have confiscated property from somebody else—what currency are the workers paid? Are they paid in Cuban currency or are they paid in U.S. dollars, or do they receive some type of script?

Ambassador MERTEN. I may be wrong, sir, I can remember back in the 1990s, they used to be paid in dollars, but I believe that has changed. They are now paid in some sort of Cuban currency, I believe.

Mr. WILSON. And it is really not a currency that can be used anywhere except at the company store, again, to keep the people oppressed. And it is really sad to me that anyone who would go there would think that they might be promoting some level of freedom and democracy when they are not.

A final question. Dr. Mazanec, in regard to your written testimony, ordering the personnel to be moved from Havana, is that still your view that that was correct to do, in light of the attacks?

Mr. MAZANEC. Thank you, sir. So that was one of the preliminary observations we had in terms of the way the State Department has had to respond. Because of the unknown nature of the incidents, they have had to mitigate risks. And you are correct, one of the ways they did so was by the order of departure and then the reductions that were made permanent this spring. I think that is something that we will continue to look into as we complete our ongoing work and evaluate the response.

Mr. WILSON. We appreciate all of your service. Thank you.

Thank you, Mr. Chairman.

Mr. COOK. Real quick, Mr. Espaillet, I will give you 1½ minutes, and then we are going to adjourn to the SCIF for the classified setting. And you can have 10 minutes, sir.

Mr. ESPAILLET. A GAO report and an Accountability Review Board report also referred to the events in Cuba as incidents. Ambassador Merten, was this an incident or an attack, one of the two?

Ambassador MERTEN. I think the State Department and Secretary Tillerson have come to the belief that what happened in Cuba is an attack, because all the information we have seen is that it seems to be targeted specifically at our Embassy and one other Embassy that we know of, Canada's, employees, diplomats.

Mr. ESPAILLET. Ambassador Bodde, incident or attack?

Ambassador BODDE. The State Department has come to the position that they were attacked, sir.

Mr. ESPAILLET. Dr. Rosenfarb, an incident or attack?

Dr. ROSENFARB. I agree with Ambassador Bodde.

Mr. ESPAILLET. Mr. Brown?

Mr. BROWN. I put in the category of attack based on we have 26 injured Americans. Those attacks do not seem to extend outside the diplomatic community.

Mr. ESPAILLET. Dr. Mazanec, an incident or an attack?

Mr. MAZANEC. Sir, we deferred and used the language that the State Department did in our report. But I think this issue emphasizes the importance of the Department addressing some of the communication challenges we identified so they can make these determinations as promptly as possible.

Mr. ESPAILLET. Thank you, Mr. Chairman. I yield back my time.

Mr. COOK. Thank you.

Real quick, pursuant to committee rule 7, the members of the subcommittee will be permitted to submit written statements be included. Without objection, the hearing record will be open for 5 business days to allow statements and other things.

We are going to adjourn down to the SCIF. It will be upon conclusion of votes.

This meeting is adjourned. Thank you.

[Whereupon, at 3:10 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE RECORD

**SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

**Subcommittee on the Western Hemisphere
Paul Cook (CA-08), Chairman**

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held by the Subcommittee on the Western Hemisphere in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Thursday, September 6, 2018

TIME: 2:00 p.m.

SUBJECT: U.S. Policy Toward Cuba

WITNESSES: The Honorable Kenneth H. Merten
Acting Principal Deputy Assistant Secretary
Bureau of Western Hemisphere Affairs
U.S. Department of State

The Honorable Peter Bodde
Coordinator
Health Incidents Response Task Force
U.S. Department of State


Charles Rosenfarb, M.D.
Medical Director
Bureau of Medical Services
U.S. Department of State

Mr. Todd Brown
Assistant Director for Countermeasures
Bureau of Diplomatic Security
U.S. Department of State

Brian M. Mazanec, Ph.D.
Acting Director
International Affairs and Trade
U.S. Government Accountability Office

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON The Western Hemisphere HEARING

Day Thursday Date September 6, 2018 Room 2172

Starting Time 2:00pm Ending Time 3:10pm

Recesses ☐ (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman Cook

Check all of the following that apply:

Open Session ☒

Executive (closed) Session ☐

Televised ☐

Electronically Recorded (taped) ☒

Stenographic Record ☒

TITLE OF HEARING:

"U.S. Policy Toward Cuba"

SUBCOMMITTEE MEMBERS PRESENT:

Chairman Cook, Ranking Member Sires, Rep. Brooks, Rep. Yoho, Rep. Kelly, Rep. Espallat, Rep. Castro

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

Rep. Engel, Rep. Wilson

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

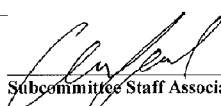
Chairman Cook QFRs

Rep. Engel SFRs

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 3:10pm


Subcommittee Staff Associate

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE ELIOT L. ENGEL, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK



DEPARTMENT OF THE NAVY
NAVY MEDICINE WEST
4170 NORMAN SCOTT ROAD SUITE 5
SAN DIEGO, CA 92139-5501

IN REPLY REFER TO:
6500
Ser 00L/669
14 Nov 11

From: Commander, Navy Medicine West
To: Captain Michael Hoffer, MC, USN

Subj: RESCISSION OF CEASE AND DESIST ORDER

Ref: (a) COM NMW ltr 6500 Ser 00L/180 of 16 Jun 10
(b) Email CAPT C. Horton, MEDIG/Mr. M. Boman, NMW
of 30 Sep 11
(c) CAPT M. Hoffer memo of 24 Aug 11
(d) COM NMCSO ltr 6500 Ser 00L/00SML of 18 Aug 11
(e) NAVMEDCEN SDIEGOINST 5600.2J of 18 May 11

1. This letter rescinds reference (a) based on information that I have received in references (b) and (c). Reference (b), from the Navy Medical Inspector General, indicated that your alleged violations of research misconduct, involving research you conducted in 2008 in Iraq, have been cleared. Reference (c) indicated that you have completed all research remediation I ordered you to complete in reference (d).

2. As of the date of this memorandum you are now permitted to conduct all research activities, including all publication and speaking activities, subject to normal review and approval processes per Navy and DoD instructions.

3. For your next six research related activities, to include a minimum of one research project and up to five research publications, you will work with CDR Alexander E. Stewart, MC, USN, Chairman, Otolaryngology Department who I have appointed as an independent research mentor to monitor your research activities and provide monthly protocol compliance reports to the IRB.

4. I remind you that all research publications as well as other publications and presentations of authored works must comply with reference (e).

5. My point of contact for questions regarding this matter is Ms. Lynn McNees, Medical Law Attorney, Navy Medicine West, who may be reached at [REDACTED] or by email at [REDACTED].

CLINTON F. HAISON III

Copy to:
Chairman ENT; DSS; Head, CID; Chairman, IRB; DCOS HC OPS

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE ELIOT L. ENGEL, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK



**Congressional
Research Service**

Informing the legislative debate since 1914

MEMORANDUM

August 16, 2018

To: Hon. Eliot L. Engel
House Committee on Foreign Affairs, Ranking Member
Attention: Jason Steinbaum and Eric Jacobstein

From: Mark P. Sullivan, Specialist in Latin American Affairs, ~~Congressional Research Service~~

Subject: Cuba: Impact of U.S. Embassy Havana Staff Reduction on Embassy Activities

The following memorandum responds to your request for information regarding the impact of the staff reduction at the U.S. Embassy in Havana on the activities of the embassy. Some of the information in this memorandum stems from meetings at the U.S. Embassy in Havana in early August 2018. Portions are also drawn from CRS Report R44822, *Cuba: U.S. Policy in the 115th Congress*. Information in this memorandum may appear in other CRS products and may be provided to other congressional clients.

Background on Staff Reduction

In late September 2017, the U.S. Department of State ordered the departure of nonemergency personnel assigned to the U.S. Embassy in Havana, Cuba, as well as their families, to minimize the risk of their exposure to harm because of a series of unexplained injuries suffered by embassy personnel beginning in November 2016.¹ According to the State Department, the U.S. government personnel suffered from “attacks of an unknown nature,” at U.S. diplomatic residences and hotels where temporary duty staff were staying, with symptoms including “ear complaints, hearing loss, dizziness, headache, fatigue, cognitive issues, and difficulty sleeping.”² U.S. officials maintain that the U.S. government investigations to date have not reached a conclusion regarding the cause, source, or technologies that might have been used.

The State Department reports that 26 Americans experienced health effects from the incidents. Twenty-four of the incidents occurred from as early as November 2016 to August 2017. Two new cases from late May 2018 were confirmed in June after medical evaluations, bringing the total to 26 cases.³

¹ U.S. Department of State, Remarks by Secretary of State Rex W. Tillerson, “Actions Taken in Response to Attacks on U.S. Government Personnel in Cuba,” September 29, 2017.

² Ibid and U.S. Department of State, “Background Briefing: State Department Official on Cuba,” Special Briefing, October 3, 2017; and Anne Gearan, “State Department Reports New Instance of American Diplomats Harmed in Cuba,” *Washington Post*, September 1, 2017.

³ U.S. Department of State, DipNote, “Department of State Revises Assessment of Personnel Affected in Cuba,” October 20, 2017, at <https://blogs.state.gov/stories/2017/10/20/en/week-state-october-20-2017>; U.S. Department of State, Press Briefing, June 21, 2018; U.S. Department of State, Heather Nauert, Spokesperson, Tweet, June 28, 2018; and Mimi Whitefield, “Mystery Deepens in Havana as U.S. Confirms a 26th Diplomat in Cuba Suffered Health Symptoms,” *Miami Herald*, June 28, 2018.

In early March 2018, the State Department began a permanent staffing plan at the U.S. Embassy in Havana, operating it as an “unaccompanied post” without family members. The change took place because the temporary “ordered departure” status for the embassy had reached its maximum allowable days (180 days is the maximum days allowed for ordered departure, after which staff must be reassigned or sent back to their post). According to the State Department, “the embassy will continue to operate with the minimum personnel necessary to perform core diplomatic and consular functions, similar to the level of emergency staffing maintained during ordered departure.”⁴

Impact of Diplomatic Staff Reduction on Embassy Operations and Activities⁵

According to U.S. Embassy Havana officials, before the ordered departure, the embassy’s U.S. staff was over 50, but as a result of the change in status the State Department has set the level of emergency staffing at a maximum of 18, a reduction of about two-thirds. In early August 2018, however, the embassy had a staffing level of 14, with several of those positions filled by Foreign Service Officers (FSOs) on temporary duty (TDY) or retired FSOs employed on an intermittent basis through the Reemployed Annuitant/WAE (When Actually Employed) Program. Several months earlier, in April 2018, the embassy reportedly had only 10 diplomats, according to the *Miami Herald*.⁶

Because of the reduction in U.S. staff, U.S. officials maintain that those officers at post often wear two or three hats in terms of responsibilities. For example, the current Deputy Chief of Mission is serving as Acting Chargé d’Affaires and also oversees the embassy’s Public Affairs Section. The Political Section used to have several officers covering economic and political issues, including human rights, but due to the staff reduction, there is only one official heading the section.

A challenge for embassy operations is that most positions are limited to a one-year tour of duty, making it difficult for the continuity of operations and familiarity with working in Cuba.⁷ While the use of locally-employed staff (LES) abroad often enhances the continuity of operations at overseas posts as FSOs begin and end tours of duty, managing and training LES in Cuba (of which there are between 200 and 300) is more challenging with a limited U.S. staff overseeing operations. Contributing to the challenge is that as an unaccompanied post, Eligible Family Members (EFMs) are not available to serve as locally-employed staff at the embassy; before the ordered departure, the embassy employed about 14 EFMs. Overseeing the upkeep and maintenance of 45 residences is also a challenge with so few U.S. staff. The embassy is reluctant to give up unoccupied residences because there is no guarantee that they would get them back in the future and because the cost of bringing new housing up to appropriate standards in Cuba is high.

Visa Processing. The staff reduction at the U.S. Embassy in Havana led to a suspension of almost all visa processing at the embassy. Most Cubans applying for nonimmigrant visas are required to apply at another U.S. embassy or consulate overseas. Exceptions include those applying for diplomatic or official visas and those with a life-threatening medical condition requiring treatment in the United States.⁸ The suspension of most nonimmigrant visa processing has increased the costs for Cuban musicians, dancers, and other artists who now have to travel to a third country to apply for a nonimmigrant visa if they want to perform in the United States; as a result, some have cancelled tours in the United States.⁹ The suspension has also

⁴ U.S. Department of State, “End of Ordered Departure at U.S. Embassy Havana,” March 2, 2018.

⁵ This section is based in part on meetings with U.S. officials at the U.S. Embassy, Havana, Cuba, August 5-8, 2018.

⁶ Mimi Whitefield, “U.S. Embassy in Cuba: Diplomatic Populations 10,” *Miami Herald*, April 6, 2018.

⁷ One-year and unaccompanied tours are not uncommon in the Foreign Service in so-called high-threat posts.

⁸ U.S. Embassy in Cuba, Nonimmigrant Visas, at <https://eu.uscembassy.gov/visas/nonimmigrant-visas-2/>

⁹ For example, the internationally-known Cuban dance company, Lizt Alfonso Dance Cuba, cancelled its Fall 2017 tour in the United States. Other trips cancelled included a Cuban theater company that had been invited to perform at an international festival in Chicago, Cuban chefs who had invited to participate in a cooking competition in Florida, and the National Symphony of Cuba, which had planned a U.S. tour in 2019. See: Isabel Albee, “Cuba’s Cultural Sector Slammed by Partial Closure of U.S.”

made it more difficult for Cubans visiting family in the United States and for Cuban *cuentapropistas* (private sector workers) traveling to the United States to bring back inputs for their businesses. In 2013, the United States had begun granting multiple entry visas, good for five years, for Cubans visiting the United States. As these visas expire, Cubans will need to travel to a third country to request a new visa if they want to visit the United States.

Because of the staff reduction in Havana, the processing of immigrant visa applications and interviews initially was transferred to the U.S. Embassy in Bogotá, Colombia, but then beginning April 1, 2018, was transferred to the U.S. Embassy in Georgetown, Guyana. In June 2018, the National Visa Center in Portsmouth, New Hampshire began scheduling Cuban immigrant visa interviews at the embassy in Guyana.¹⁰ Guyana does not require a visas for Cubans entering the country, as Colombia did, which makes it easier for Cubans to travel there for immigrant visas. Even before the State Department transferred Cuban immigrant processing to Guyana, the country had become a popular destination for Cubans going there to shop. The cost of traveling to Guyana, however, reportedly is high, with flights in the \$700 to \$1,200 range.¹¹

In a 1994 bilateral migration accord with Cuba, the United States committed to issue 20,000 travel documents annually. It met that commitment in FY2017, but the embassy staff reduction has negatively affected the ability of the United States to meet its commitment in FY2018. The State Department acknowledged in April 2018 that it would not be able to issue 20,000 travel documents for this fiscal year.¹² A review of preliminary statistics of immigrant visas issued in the first nine months of FY2018 through June 2018 shows that less than 4,000 immigrant visas were granted to Cuban nationals.¹³

Since the staff reduction at the U.S. Embassy in Havana, information posted on the website of the U.S. Embassy in Havana has stated that the State Department and the Department of Homeland Security (DHS) are determining arrangements for processing applications under the Cuban Family Reunification Parole Program (CFRP), a program administered by DHS's U.S. Citizenship and Immigration Services (USCIS).¹⁴ The CFRP was established in 2007 by USCIS to help the United States meet its annual obligation under the 1994 U.S.-Cuba migration accord.¹⁵ Staff reductions have also led USCIS to suspend operations at its field office in Havana. According to U.S. Embassy Havana officials, in past years, around 75% of the immigrant travel documents issued for Cuban nationals annually were issued under the CFRP. In October 2017, State Department officials indicated that they would work with DHS to ensure continued operation of the CFRP, but no plans have been announced since then.¹⁶ Given that a majority of immigrant travel documents issued for Cubans are from the CFRP program, it could be difficult for the United States to reach the annual 20,000 target level without the CFRP program being reactivated and without USCIS reestablishing its presence at the embassy.

Embassy," *Huffington Post*, November 2, 2017; and "Visa Difficulties Force Cuban Symphony to Cancel U.S. Tour," *Associated Press*, April 4, 2018.

¹⁰ U.S. Embassy in Cuba, Immigrant Visas, at <https://cu.usembassy.gov/visas/immigrant-visas/>

¹¹ Doreen Hemlock, "Cubans Are Flocking to Guyana for Economic Reasons – but There's a Twist," *Miami Herald*, June 28, 2018.

¹² U.S. Department of State, "Cuban Compliance with the Migration Accords, (October 2017 to March 2018)," report to Congress, April 12, 2018.

¹³ Visa statistics are available from the State Department's Bureau of Consular Affairs at <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics.html>.

¹⁴ U.S. Embassy in Cuba, Frequently Asked Questions, at <https://cu.usembassy.gov/frequently-asked-questions/>.

¹⁵ For background on the CFRP program, see USCIS, "The Cuban Family Reunification Parole Program," at <https://www.uscis.gov/humanitarian/humanitarian-parole/cuban-family-reunification-parole-program>.

¹⁶ Nom Gámez Torres, "U.S. Will Maintain the Family Reunification Program for Cubans," *Miami Herald*, October 12, 2017.

Refugee Processing. According to U.S. officials, the staff reduction at the U.S. Embassy in Havana also led to the closure of the Refugee Section that had administered the U.S. Refugees Admission Program in Cuba, and the embassy is not accepting any new applications or processing refugee cases. The section was run by the State Department's Bureau of Population, Refugees and Migration (PRM) in conjunction with USCIS and the Office of Refugee Resettlement of the Department of Health and Human Services. Embassy officials estimate that it would take 2 to 3 years to restart operations in Havana. As a result, no Cubans have been admitted to the United States as refugees since September 2017. In FY2017, at least 177 Cubans were admitted to the United States as refugees.¹⁷

American Citizen Services. Because of the staff reduction, the U.S. Embassy in Havana suspended routine American Citizen Services in Cuba, including first time passport applications, routine passport renewals, and authentication services. As of late September 2017, the U.S. Embassy has been only able to provide emergency assistance to U.S. citizens in Cuba.¹⁸ As noted by U.S. embassy officials, those U.S. officials remaining have had the increased burden of often serving as duty officers outside normal business hours.

On the Ground Reporting and Outreach. The staff reduction at the embassy has made it more difficult for U.S. diplomats to cover significant economic and political developments in Cuba, including outreach to civil society and human rights activists. With recent developments such as a new Cuban president, new regulations on Cuba's private sector, and the Cuban government embarking on a process to update the country's constitution, U.S. policymakers may benefit from a fully staffed embassy with the ability to analyze these and other ongoing developments in Cuba.

Not having FSOs focused on the human rights situation also potentially diminishes the ability of the State Department to understand the situation on the ground and report on breaking developments. For example before the staff reduction, the embassy's Political Section had two staff members focusing on human rights.

Because of the drawdown in staff, the embassy has not conducted trips to monitor the Cuban government's treatment of returned migrants. Last year, before the drawdown, embassy staff conducted monitoring trips within Havana, met and spoke to returned migrants, and also spoke by phone with around additional returned migrants outside of Havana. Before the staff reduction, the embassy also maintained open hours for repatriated migrants to visit the Refugee Section to report any mistreatment, but, as noted above, the Refugee Section was closed because of the staff reduction.¹⁹

¹⁷ This number reflects FY2017 statistics through September 1, 2017. See: U.S. Department of State, "Cuban Compliance with the Migration Accords, (March 2017 to September 2017)," report to Congress, October 18, 2017.

¹⁸ U.S. Embassy in Cuba, U.S. Citizen Services, at <https://cu.usembassy.gov/u-s-citizen-services/>.

¹⁹ U.S. Department of State, "Cuban Compliance with the Migration Accords, (October 2017 to March 2018)," report to Congress, April 12, 2018.

Questions for the Record

WHFM Hearing: "U.S. Policy Toward Cuba"
September 6, 2018 at 2:00 p.m. in Rayburn Room 2172

Chairman Paul Cook

TO: Mr. Kenneth Merten (Bureau of Western Hemisphere Affairs)

- (1) Title IV of the Cuban Libertad Law: Title IV of the 1996 Cuban Liberty & Democratic Solidarity Act requires that if the Secretary of State determines there is trafficking by a foreign entity in the confiscated property of an American in Cuba, then he or she shall revoke the visas of company officers and their families. In May 2018, *Bloomberg* reported that a Turkish company, Global Ports Holding, signed a deal with the Cuban government to upgrade the docks in Havana to boost tourist traffic to Cuba. However, those docks were confiscated from a U.S. company without compensation (Cuba Claim #2492). Similarly, a Chinese company, China Communications Construction Company (CCCC) and its subsidiary China Harbor Engineering Company (CHEC), reportedly are upgrading the port in Santiago de Cuba, another property confiscated without compensation from its rightful owner (Cuba Claim #1231). In light of these potential violations of Title IV of the Cuban Libertad Law, how are you approaching these issues and the penalties on officers of those companies?

Merten: The Department takes all allegations of potential trafficking in confiscated property under Title IV of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 seriously. The Department continues to gather and review information on potential trafficking in confiscated property and will take the appropriate action consistent with Title IV of the LIBERTAD Act.

- (2) U.S. Property Claims: There are reportedly 5,913 U.S. claims for expropriated properties valued at \$1.9 billion. Can you provide an update of where things stand regarding this issue?

Merten: The resolution of claims for expropriated properties is a priority for the Department. The United States and Cuba have met three times since December 2015 to discuss claims. Most recently, in Havana in January 2017, the delegations exchanged views on technical details and methodologies regarding outstanding claims. Outstanding U.S. claims include claims of U.S. nationals that were certified by the Foreign Claims Settlement Commission, claims related to unsatisfied U.S. court judgments against Cuba, and claims held by the United States Government. We continue to press the Cuban government on this issue and at the last Bilateral Commission meeting with Cuba on June 14 proposed scheduling an additional round of talks. We are working to identify dates for this round of discussions.

- (3) Money Laundering – Odebrecht Scandal: Have you seen any evidence that Cuban government officials directly participated in the Odebrecht money laundering operation?

Merten: The Department of State is aware of Odebrecht investments in Cuba, specifically at the Mariel Special Economic Development Zone. We are not aware of the Cuban government's direct participation in Odebrecht's money laundering operation. The Cuban government's economic practices are opaque and difficult to account for.

- (4) North Korea Ties: Have you seen any evidence that the Cuban government has strengthened ties with the North Korean government within the last six months?

Merten: In recent months, senior North Korean diplomats and Workers' Party leaders have visited Cuba for meetings with Cuban leaders. Most recently, in late August, top Cuban leaders met with high-ranking North Korean official Choe Ryong Hae. Media report Choe discussed ways to improve the countries' bilateral relationship.

- (5) **Cuba Restricted List:** How many times has the Cuba Restricted List maintained by the State Department been updated in the Federal Register since the November 2017 regulations took effect? Are there any plans to update the list of individuals or businesses in Cuba that are blocked from doing business with the U.S.?

Merten: The Cuba Restricted List is a living document. We continue to review it periodically as new information becomes available. The Department has not yet published any updates to the Cuba Restricted List in the Federal Register since we originally published the list.

- (6) **U.S. Assistance to Cuba:** From FY96 to FY18 Congress appropriated around \$344 million in funding for Cuba democracy efforts. In FY18, Congress appropriated \$20 million for Cuba. For FY19, Trump requested \$10 million for democracy and civil society assistance in Cuba. What are the Trump Administration's top priorities for democracy assistance to Cuba? How is democracy assistance under the Administration different, if at all, from past Administrations?

Merten: The Administration's Cuba policy announced in the June 2017 National Security Presidential Memorandum, "Strengthening the Policy of the United States Toward Cuba," makes clear our continued support of democracy and human rights on the island and the United States' intention to demonstrate solidarity with the Cuban people in the face of a repressive regime. The Department and USAID continue to administer U.S. government-funded programs to promote democracy-building efforts and support the critical work of human rights defenders on the island. These programs aim to assist and support independent civil society in Cuba, by giving independent nongovernmental organizations and individuals tools to build their organizational capacity and effectiveness, providing training on international laws and advocacy, supporting civic initiatives that offer concrete policy alternatives to the Cuban people, and facilitating the free flow of information to, from, and within the island.

- (7) **State Sponsor of Terrorism:** In 2015, the Obama Administration rescinded Cuba's designation as a State Sponsor of Terrorism. This announcement was a reversal of longstanding U.S. policy and ignored Cuba's relations with Russia, its continued support for rogue regimes, and its record of systemic human rights abuses. Is the Trump Administration reconsidering re-designating Cuba a state sponsor of terrorism?

Merten: Cuba's State Sponsor of Terrorism designation was rescinded in 2015 after careful review of all available evidence, which led to the State Department's assessment that Cuba met the statutory criteria for rescission. As a matter of law, in order for any country to be designated as a State Sponsor of Terrorism, the Secretary of State must determine that the country's government has repeatedly provided support for acts of international terrorism. While we continue to have significant concerns and disagreements with a wide range of Cuba's policies, the Secretary has not determined that the government of Cuba has repeatedly provided support for acts of international terrorism since its 2015 State Sponsor of Terrorism designation rescission. The Department of State consistently reviews and evaluates available information and intelligence from a variety of sources on Cuba.

- (8) **U.S. Fugitives:** Cuba has long harbored fugitives wanted in the U.S., including Joanne Chesimard, who has been on the FBI's "Most Wanted Terrorist List" for the 1973 murder of a New Jersey State Police officer. What efforts has the Trump Administration taken to resolve this issue?

Merten: Facilitating the return of fugitives is one of this Administration's top priorities in our bilateral engagement with Cuba. The Department of State, in conjunction with the Department of Justice and other relevant agencies, actively engages with the Cuban government on fugitive issues through our bilateral Law Enforcement Dialogue and associated technical exchanges. Through this dialogue, we continue to press the Cuban government to return these fugitives. We continue to work with relevant U.S. agencies and the Cuban government to push for the return of individuals like Chesimard so they can face justice in the United States. The most recent U.S.-Cuba Law Enforcement Dialogue was held on July 10, 2018. Although Chesimard is still at large, the United States is benefiting from ongoing law enforcement cooperation with the Government of Cuba, which has produced tangible achievements on fugitive returns. In August, at the request of U.S. federal authorities, Cuban authorities detained a U.S. citizen and domestic terrorist suspect on the FBI Most Wanted Domestic Terrorist List traveling through Cuba on the way to Russia and returned him to U.S. custody, where he is now facing federal charges.

- (9) **Trademark Registration Issue:** Under the Obama Administration, a trademark registration was granted to Cubaexport, an entity owned by the Cuban government, for Havana Club rum, which was based on a trademark and business that was previously confiscated by the Cuban regime. Under the Obama Administration, the State Department reviewed the Treasury Department's OFAC license application for the trademark registration renewal and suggested that a change in foreign policy towards Cuba allowed the approval of an OFAC license for this action. Previously, the Bush Administration had denied an OFAC license for this exact same application, and the trademark registration should have expired for lack of renewal 10 years prior. What is the Trump Administration's position on this trademark registration issue? Has the foreign policy towards Cuba remained the same so that this action should not be reviewed?

Merten: The Department of State has not taken any position on ownership of the Havana Club trademark, which I understand is the subject of ongoing litigation. At this time, there is no action pending before the Department of State related to the Havana Club trademark. For further information regarding licensing issues, we defer to the Department of the Treasury.

- (10) **BBG – Office of Cuba Broadcasting (OCB):** From FY84 to FY18, Congress appropriated about \$882 million in broadcasting radio and television programming to Cuba. The Trump Administration's FY19 request is for almost \$13.7 million. What mechanisms have been most effective in reaching the Cuban public? How is OCB programming adapting to modern methods for dissemination of information?

Merten: We defer to the Office of Cuba Broadcasting regarding information on its mechanisms for outreach and levels of success. Separately, the Department rigorously seeks to reach the Cuban people through a variety of means, including through our public diplomacy programs and social media messaging. The Embassy and U.S. diplomats based in Washington regularly meet with Cuban intellectuals, activists and dissidents to discuss the conditions in Cuba and U.S. policy initiatives. The Department issues policy statements and support for Cuban activists on social media, including through social media accounts belonging to Embassy Havana, the Acting Assistant Secretary of Western Hemisphere Affairs, the Bureau of Human Rights, Democracy, and Labor, and Spanish-language accounts managed by the Miami Media Hub. Whenever possible, the Department strives to include independent Cubans in the International Visitor Leadership Program and in educational exchanges such as the Humphrey Fellowship. Through its democracy and human rights programs, the Department supports a robust portfolio of programs that facilitate the free flow of information to, from, and within the island using both online and traditional media.

- (11) Cuban Medical Professional Parole Program: In 2017, the Obama Administration cancelled the program that allowed Cuban medical personnel who were forced to work abroad by the Cuban government to apply for parole in the U.S. What is the Trump Administration's stance on this policy, and is there any consideration of reinstating it?

Merten: The Cuban Medical Professional Parole Program (CMPP) was created in 2006 to provide an avenue for Cuban medical professionals to travel to the United States, since at the time exit controls limited their departure except on medical missions. In 2013, the Cuban government lifted travel restrictions for a majority of Cubans, eliminating the principal basis for this program. On January 12, 2017, the United States and Cuba signed the Joint Statement under which the United States agreed to end the CMPP. The State Department and Department of Homeland Security have no current plans to restore this program.

- (12) State Response to GAO Report: GAO found that internal communication failures and State's policy, procedure, and process led to a delay in the convening of the Cuba Accountability Review Board (ARB) by nearly eight months. In response to GAO's recommendation, what steps is State taking to revise its policies to ensure that State's Office of Management Policy, Rightsizing, and Innovation (M/PRI) is aware of all potential incidents?

Merten: The Department's Foreign Affairs Manual (FAM) outlines an incident vetting process, which the Office of Management Policy, Rightsizing, and Innovation (M/PRI) coordinates. The Department is currently modifying the FAM to more clearly articulate standard operating procedures and policies for internal communication in cases that involve injury, loss of life, or destruction of property. In such cases, M/PRI will ensure incidents are promptly evaluated to determine whether Accountability Review Board (ARB) statute criteria apply.

Questions for the Record*WHFM Hearing: "U.S. Policy Toward Cuba"*

September 6, 2018 at 2:00 p.m. in Rayburn Room 2172

Chairman Paul Cook**TO: Dr. Brian Mazanec (Government Accountability Office)**

- (1) Caring for Affected Personnel & Family Members: In your written testimony, you identified multiple issues related to State's provision of care for affected U.S. personnel, including a need for special authority for domestic medical evacuations, difficulty for some U.S. personnel to obtain approval for excused absences for ongoing treatment related to the attacks in Havana, and long-term care challenges. Are there any new legislative authorities needed to address these challenges? How do you recommend Congress support the Department in its efforts to address these issues and prioritize the care of its people?

Mazanec: As discussed in GAO-18-695T, we have identified multiple issues related to State's provision of care for affected U.S. personnel, but our review of State's response to the incidents in Cuba is ongoing. We are continuing to follow up on these and other issues related to caring for U.S. personnel during the course of our ongoing work. At this time, we have not determined that any new legislative authorities are needed, but we continue to gather information about the cause and effects of these challenges. If we conclude that new legislative authorities would assist State in addressing these challenges or identify other ways for Congress to support State in its efforts to care for its personnel, we will incorporate those matters for congressional consideration as part of our forthcoming report on this issue.

Questions for the Record

WHEM Hearing: "U.S. Policy Toward Cuba"
September 6, 2018 at 2:00 p.m. in Rayburn Room 2172

Chairman Paul Cook

TO: Dr. Charles Rosenfarb (Bureau of Medical Services)

- (1) Impacted Personnel and Family Members: What is the Department doing to ensure that U.S. State Department personnel and affected family members to provide for care, including long-term care in some cases?
- (2) Legislative Issues: Are there any legislative issues preventing the Department from taking actions in response to the incidents that we should be aware of, particularly as it relates to long-term care and treatment for affected people?

[NOTE: Responses to these questions were not received prior to printing.]

Questions for the Record

WHEM Hearing: "U.S. Policy Toward Cuba"
September 6, 2018 at 2:00 p.m. in Rayburn Room 2172

Chairman Paul Cook

TO: Mr. Todd Brown (Bureau of Diplomatic Security)

- (1) Diplomatic Presence in Cuba: In response to threats to the health and safety of U.S. diplomats in Cuba, State curtailed operations at the U.S. embassy in Cuba, ordered the departure of non-emergency personnel assigned to the embassy and family members, and issued travel warnings. What is the current level of risk to the health and safety of U.S. diplomats in Cuba? What is the process for the Department to review staff reductions at the U.S. embassy in Havana, and what conditions would be required to send more U.S. diplomats and reverse the decision to designate Havana as an unaccompanied post?

[NOTE: Responses to these questions were not received prior to printing.]

