



July 2018

REPORTED INJURIES TO U.S. PERSONNEL IN CUBA

State Should Revise Policies to Ensure Appropriate Internal Communication of Relevant Incidents

Accessible Version

GAO Highlights

Highlights of [GAO-18-615](#), a report to congressional requesters

Why GAO Did This Study

U.S. diplomats and their families in Havana, Cuba, were affected by incidents that were associated with injuries, including hearing loss and brain damage. State has reported that over 20 U.S. diplomats and family members in Havana have suffered from medical conditions believed to be connected to the incidents, which began in late 2016 and have continued. By law, State is generally required 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's policy, M/PRI is responsible for initiating and leading State's ARB incident vetting process.

This report is part of a broader request to review State's response to the incidents in Cuba. In this report, GAO examines the extent to which State's ARB policy ensures that M/PRI is made aware of incidents that may meet the ARB statute criteria. GAO analyzed relevant federal laws, State policies, and other State documents. GAO also interviewed cognizant State officials.

What GAO Recommends

GAO recommends that State revise its policies to define responsibilities for internal communication to M/PRI of relevant incidents. State concurred with GAO's recommendation.

View [GAO-18-615](#). For more information, contact Brian M. Mazanec at (202) 512-5130 or mazanecb@gao.gov.

July 2018

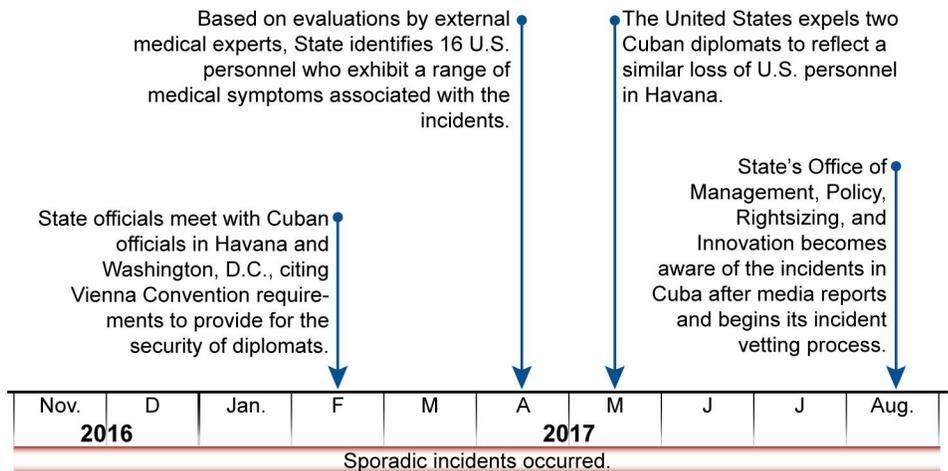
REPORTED INJURIES TO U.S. PERSONNEL IN CUBA

State Should Revise Policies to Ensure Appropriate Internal Communication of Relevant Incidents

What GAO Found

The Department of State's (State) Accountability Review Board (ARB) policy does not ensure that the responsible office—State's Office of Management Policy, Rightsizing, and Innovation (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. 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 GAO 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. If M/PRI is not aware of incidents, it cannot initiate State's ARB incident vetting process. This situation puts State at risk of not meeting statutory time frames for convening an ARB and could result in State being less able to improve security programs and practices at other U.S. diplomatic posts. *Standards for Internal Control in the Federal Government* call for internal communication to achieve the entity's objectives and note that management should document responsibilities through policy.

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-18-615

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 determine whether incidents meet Accountability Review Board (ARB) statute criteria.

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Abbreviations

ARB	Accountability Review Board
CMS	Crisis Management and Strategy
DS	Bureau of Diplomatic Security
Legal	Office of the Legal Adviser
M/PRI	Office of Management Policy, Rightsizing, and Innovation
MED	Bureau of Medical Services
State	Department of State
WHA	Bureau of Western Hemisphere Affairs

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July 30, 2018

Congressional Requesters

In late 2016, U.S. government personnel and their families in Havana, Cuba, began reporting incidents associated with acoustic or sensory phenomena.¹ These individuals suffered serious injuries, including brain damage and hearing loss, however the cause of the injury has not been determined. The Department of State (State) reported that over 20 U.S. personnel and family members in Havana have suffered from medical conditions believed to be connected to the incidents. On September 29, 2017, State ordered the departure of non-emergency personnel assigned to the embassy and their family members to minimize the number of U.S. diplomats at risk of exposure to harm. In June 2018, the Secretary of State noted that the precise nature of the injuries and the cause had not yet been established.² State is generally required by law to convene an Accountability Review Board (ARB) within a specified time period after the occurrence of an incident that results in serious injury, loss of life, or significant destruction of property at, or related to, a U.S. mission abroad.³ An ARB seeks to determine accountability for such incidents and promote and encourage improved security programs and practices at U.S. missions abroad.

As part of a broader request, you asked us to review the process by which State convened an ARB in response to the incidents in Cuba.⁴ This report examines the extent to which State's ARB policy ensures that the Office of Management Policy, Rightsizing, and Innovation (M/PRI) is

¹On July 20, 2015, the United States officially reestablished diplomatic relations with Cuba and reopened the U.S. Embassy in Havana, which had been closed since 1961. Between 1977 and 2015, the United States maintained a U.S. Interests Section in Havana, an office that provided some services similar to an embassy, such as political and economic reporting, consular and visa services, and assistance for U.S. citizens.

²In late May 2018, the U.S. Consulate General in Guangzhou, China, reported a similar incident involving a U.S. government employee who experienced abnormal sensations of sound and pressure, which according to State is very similar and entirely consistent with the medical indications of those affected in Cuba.

³22 U.S.C. § 4831.

⁴As part of the same request, we are conducting a review examining State's response to the incidents in Cuba.

made aware of incidents that may meet the ARB statute criteria. To address our objective, we analyzed relevant federal laws and State policies, including the *Foreign Affairs Manual (FAM)*⁵ and *Foreign Affairs Handbooks*,⁶ to understand State's responsibilities in convening an ARB and how State's components are organized and directed to implement the law. In addition, we analyzed internal State communications—such as diplomatic cables—and congressional testimony by State officials on these incidents for information about the timeline of the incidents, State's response to the incidents, and when various State entities became aware of the incidents. We also interviewed cognizant officials in State's Bureau of Diplomatic Security (DS); Bureau of Medical Services (MED); Bureau of Western Hemisphere Affairs (WHA); Office of the Under Secretary of State for Management; Office of Foreign Missions; M/PRI; and Crisis Management and Strategy (CMS) in the Executive Secretariat.

We conducted this performance audit from March 2018 to July 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.

Background

U.S. Law Requires State to Convene an ARB after Certain Types of Incidents

Federal law generally requires the Secretary of State to convene an ARB not later than 60 days after the occurrence of an incident that resulted in serious injury, loss of life, or significant destruction of property at, or related to, a U.S. mission abroad unless the Secretary determines the

⁵Department of State, *Foreign Affairs Manual*.

⁶Department of State, *Foreign Affairs Handbooks*.

incident clearly involves only causes unrelated to security.⁷ This time period can be extended for an additional 60-day period if the Secretary determines that the additional period is necessary for the convening of the board. Whenever the Secretary convenes an ARB, the Secretary shall promptly inform the Chairman of the Committee on Foreign Relations in the Senate and the Speaker of the House of Representatives. Federal law specifies that an ARB will consist of five members appointed by the Secretary of State and one appointed by the Director of National Intelligence.⁸ It also states that the ARB shall submit its findings to the Secretary of State.⁹ According to State's FAM, the ARB is a mechanism to foster more effective security of U.S. missions and personnel abroad by ensuring a thorough and independent review of security-related incidents. Through its investigations and recommendations, the ARB seeks to determine accountability and promote and encourage improved security programs and practices.¹⁰

M/PRI Is Responsible for Conducting the ARB Incident Vetting Process

M/PRI—the central management analysis organization of State's Under Secretary of State for Management—is responsible for initiating and shepherding the incident vetting process to identify incidents that may warrant an ARB, according to the FAM.¹¹ The FAM states that M/PRI will begin the ARB incident vetting process once M/PRI becomes aware of an incident abroad that could involve loss of life, injury, or destruction of property. This process includes consultation with the Office of the Legal Adviser (Legal), DS, and other offices as appropriate to evaluate whether

⁷22 U.S.C. § 4831. In any case of serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission abroad, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad, which is covered by the provisions of this chapter (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (ARB). The Secretary shall not convene an ARB where the Secretary determines that a case clearly involves only causes unrelated to security. The Secretary did not make such a determination regarding the incidents in Havana, Cuba.

⁸22 U.S.C. § 4832(a).

⁹22 U.S.C. § 4834(b).

¹⁰12 FAM 031.1.

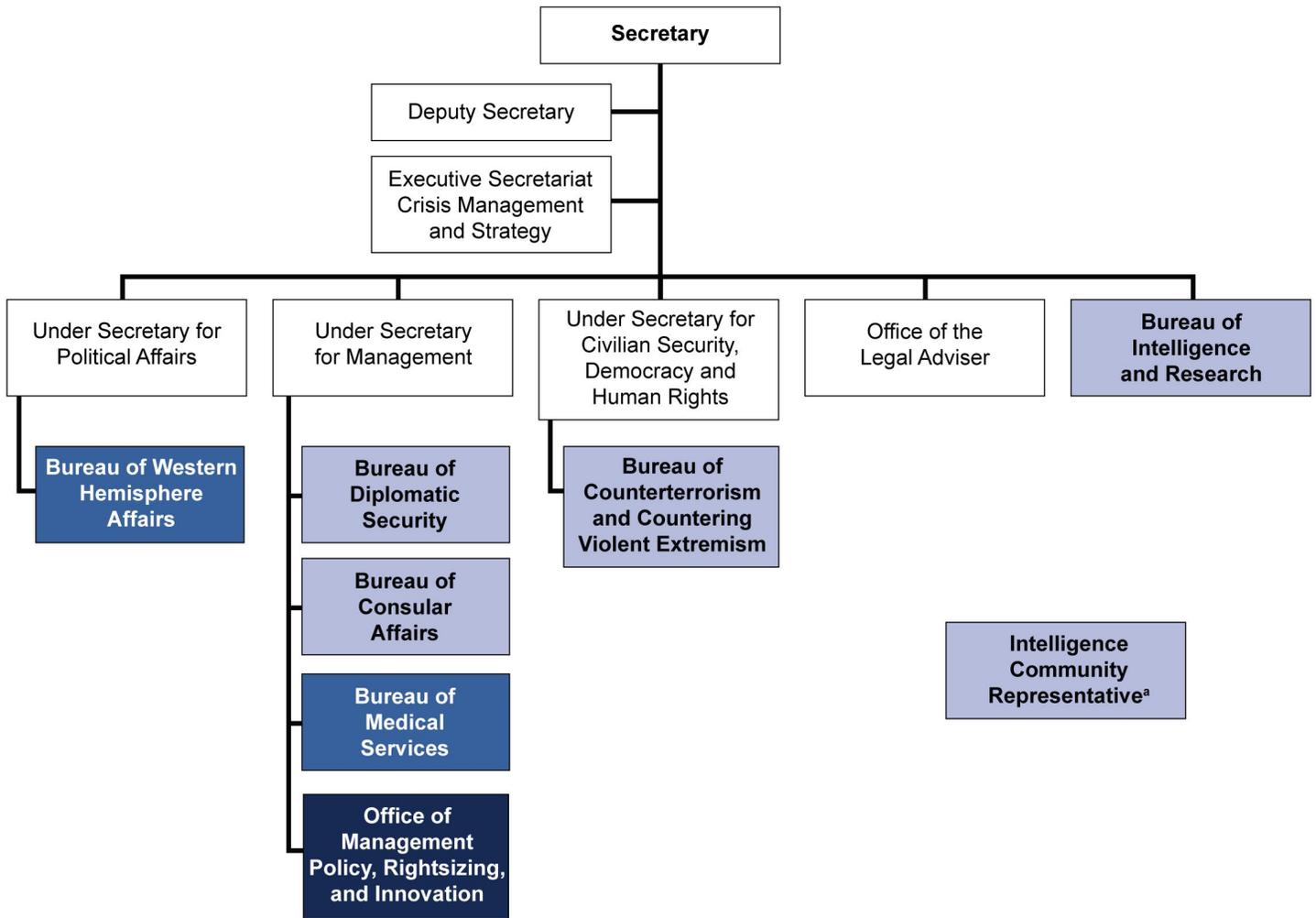
¹¹12 FAM 032.1(e) (1).

the ARB statute criteria apply. If the ARB statute criteria are deemed applicable or if the applicability is questionable, M/PRI is responsible for calling a meeting of State's ARB Permanent Coordinating Committee.¹² See figure 1 for members of the Permanent Coordinating Committee and other State offices and bureaus involved in responding to the incidents in Cuba. 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 disagrees, M/PRI will call a Permanent Coordinating Committee meeting. According to the FAM, the committee will review the available facts and recommend to the Secretary of State whether or not to convene an ARB as quickly as possible after an incident occurs.¹³ The Secretary of State makes the final decision on whether to convene an ARB.

¹²12 FAM 032.1(e) (2), (3). According to the FAM, the Permanent Coordinating Committee will be composed of the Director of M/PRI, the Assistant Secretary for Diplomatic Security or the Principal Deputy, the Senior Deputy Assistant Secretary for Intelligence and Research, the Coordinator for Counterterrorism, the senior deputy assistant secretary of the relevant regional bureau, one representative designated by and representing the Director of National Intelligence, and the Deputy Assistant Secretary for Visa Services.

¹³12 FAM 032.1(a).

Figure 1: Simplified State Organization Chart with Members of the Cuba Incidents Accountability Review Board Permanent Coordinating Committee



- Members of State's Accountability Review Board Permanent Coordinating Committee
- Other bureaus that participated in the Cuba incidents Accountability Review Board Permanent Coordinating Committee
- Office responsible for initiating State's Accountability Review Board process

Source: Department of State (State) documentation. | GAO-18-615

^aState's *Foreign Affairs Manual*, Chapter 12 Section 032.1 states that the Accountability Review Board Permanent Coordinating Committee will include a representative designated by and representing the Director of National Intelligence. This person is not part of State and is included here to show his or her membership on the Permanent Coordinating Committee.

The U.S. Embassy in Havana Is Supported by Several State Entities

WHA, DS, and MED, among other State entities, support the U.S. Embassy in Havana by providing advice and guidance on policy, security, and other issues.

- **WHA.** Reporting to the Under Secretary of State for Political Affairs, WHA oversees the U.S. Embassy in Havana and is responsible for managing and promoting U.S. interests in the region. Embassy officials, including senior leadership, report to WHA and its Office of the Coordinator for Cuban Affairs through diplomatic cables, email, and phone calls.
- **DS.** Reporting to the Under Secretary of State for Management, DS oversees security at diplomatic posts and is responsible for providing a safe and secure environment for the conduct of U.S. foreign policy. Embassy Regional Security Officers are required to report security incidents through different systems, including diplomatic cables, SPOT Reports, or the Security Incident Management Analysis System, depending on the type of incident. Regional Security Officers are also in regular contact with DS via phone and email, according to State officials.
- **MED.** Reporting to the Under Secretary of State for Management, MED ensures that U.S. government employees and their families who are assigned to diplomatic posts have access to healthcare and advises State management about health issues around the world. The U.S. Embassy in Havana has a medical unit, including U.S. direct-hire and locally hired staff. MED approves requests to medically evacuate U.S. personnel and family members from diplomatic posts.
- **Other State entities.** Other State entities provide support to the U.S. embassy in Havana on specific issues. For example, CMS, within State's Executive Secretariat, gathers, assesses, and disseminates information to State senior management about events that threaten the security of U.S. missions and their personnel. The Office of Foreign Missions, which reports to the Under Secretary of State for Management, seeks fair treatment for U.S. personnel abroad while ensuring that foreign diplomats based in the United States receive the same treatment that their respective governments provide to U.S. personnel abroad in return.

State's ARB Policy Does Not Ensure that the Office Responsible Is Made Aware of Incidents That May Meet ARB Criteria, Such as Those That Occurred in Cuba

Although M/PRI is responsible for initiating and leading State's ARB incident vetting process, State's ARB policy does not define how M/PRI should become aware of incidents that may involve injury, loss of life, or destruction of property.¹⁴ Regarding Cuba, the U.S. embassy and several State entities responded to incidents that were later associated with various injuries in early 2017. As of June 2018, State officials remained uncertain of the cause or perpetrator of the incidents and injuries. M/PRI officials said they did not know about the incidents in Cuba until August 2017, when the media began to report on the incidents.

State's ARB Policy Does Not Define How M/PRI Should Become Aware of Incidents That May Involve Injury

Although M/PRI is responsible for initiating and leading the ARB incident vetting process, State's policies do not define responsibilities for internal communication to M/PRI of incidents that may involve injury, loss of life, or destruction of property. According to the FAM, M/PRI and the Permanent Coordinating Committee are responsible for evaluating whether incidents meet the ARB statute criteria. However, M/PRI can only initiate the process after it is made aware of potentially qualifying incidents, and the FAM does not outline how M/PRI should be notified of these types of incidents or which, if any, State entities are responsible for notifying M/PRI. In contrast, the FAM outlines other specific reporting responsibilities for Regional Security Officers.¹⁵ According to State officials and our analysis, State's FAM and Foreign Affairs Handbooks do not establish a policy, procedure, or process for internal communication of such incidents to M/PRI. In 2006, the Under Secretary of State for Management issued a cable requiring U.S. diplomatic posts to report

¹⁴For the purposes of this report, we refer to 12 FAM 030 as State's ARB policy.

¹⁵For Regional Security Officers' reporting responsibilities, see 12 FAM 422.3 and 422.5. For example, they must report incidents involving potential compromise of classified information within 24 hours via the Investigative Management System.

potential ARB incidents directly to M/PRI.¹⁶ However, the cable did not identify who at post was responsible for reporting, and instructed posts to report to an individual who is no longer in M/PRI. Moreover, State officials we met with were unaware of the cable.

M/PRI officials said that information about potentially qualifying incidents is not directed to them through State's established reporting mechanisms, such as diplomatic cables. State's cable system does not have a caption, channel, or tag that would direct information to M/PRI about incidents that may involve injury, loss of life, or damage to property.¹⁷ State's Office of the Inspector General previously found deficiencies in State's internal communication of incidents that may meet ARB criteria.¹⁸ Despite the 2006 cable on potential ARB incident reporting, in 2013, State's Inspector General found that State had no systematic process ensuring immediate notification of security-related incidents to M/PRI, and that DS did not routinely provide security reports to M/PRI. The Inspector General made an informal recommendation that DS should include M/PRI as an addressee on all security-related incident reports.¹⁹ In 2015, the Inspector General noted that DS, in response to the recommendation, said that such a blanket inclusion of M/PRI on all security-related incident reports would result in M/PRI being inundated with a large number of irrelevant reports.²⁰

¹⁶Department of State, *Instructions to Posts on Reporting Potential ARB Incidents*, 2006 STATE 131130 (Washington, D.C.: Aug. 10, 2006).

¹⁷State's *Foreign Affairs Handbooks* identify captions and channel designators to meet specific internal dissemination and sorting requirements (5 FAH-2 H-440). It also identifies subject and program tags to assist in routing cables to appropriate personnel (5 FAH-3 H-100).

¹⁸Department of State, Office of the Inspector General, *Special Review of the Accountability Review Board Process*, ISP-I-13-44A (Washington, D.C.: September 2013).

¹⁹According to the Inspector General report, informal recommendations cover operational matters not requiring action by organizations outside the inspected unit or the parent regional bureau. Informal recommendations will not be subject to the Office of the Inspector General's team compliance process. However, any subsequent team inspection or on-site compliance review conducted by the Office of the Inspector General will assess the mission's progress in implementing the informal recommendations.

²⁰Department of State, Office of the Inspector General, *Compliance Followup Review of the Special Review of the Accountability Review Board Process*, ISP-C-15-33 (Washington, D.C.: August 2015).

Because State has no policy that ensures M/PRI becomes aware of incidents that may involve injury, loss of life, or destruction of property, M/PRI officials said they typically become aware of potentially qualifying incidents—such as explosions at diplomatic facilities—when such incidents are discussed internally and widely publicized. M/PRI officials also told us they occasionally became aware of potentially qualifying incidents through informal communication, such as during senior staff meetings with the Under Secretary of State for Management. If M/PRI officials are not aware of incidents, they 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 unable to improve security programs and practices at other U.S. diplomatic posts, which could affect the response to similar incidents elsewhere.

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.²¹ The FAM requires internal controls, which includes as an objective that programs are efficiently and effectively carried out in accordance with applicable law and management policy.²² The FAM also states that the Under Secretary of State for Management is responsible for, among other things, developing and executing management policies; the organization, operations, and assignment of functions within State; and directing and administering worldwide information resources.²³

The U.S. Embassy in Havana and Several State Entities Responded to Unexplained Incidents in Cuba Associated with Serious Injury to U.S. Personnel

In January 2017, U.S. embassy and State officials began responding to incidents in Cuba that were later associated with various injuries. In June 2018, the Secretary of State noted that the precise nature of the injuries and the cause had not yet been established. According to congressional testimony by State officials, in late 2016, U.S. personnel in Havana first

²¹GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014), principles 12 and 14.

²²2 FAM 021.3.

²³1 FAM 044.1.

reported incidents, typically involving sounds and resulting in various medical symptoms, to the embassy's Regional Security Officer and Chief of Mission. Embassy officials reported the incidents to DS and the National Security Council as a new type of harassment in early January 2017, according to State documents. The embassy's Medical Officer first evaluated a U.S. official related to the incidents on December 30, 2016, and others in January 2017. Starting in late March 2017, the embassy held several meetings with U.S. personnel to share the limited information it had about the incidents, according to State officials. In April 2017, the embassy held Emergency Action Committee meetings regarding the incidents.

CMS communicated with State senior management about the incidents beginning in April 2017. To ensure that State senior management were aware of how the embassy was responding, CMS distributed among various State entities, including M/PRI, one of the embassy's April 2017 diplomatic cables reporting on an Emergency Action Committee meeting.²⁴ According to CMS officials, the cable that CMS distributed was unclear about what incidents had occurred and did not include detailed information about the incidents or associated injuries. According to M/PRI officials, M/PRI was on CMS's distribution list because M/PRI was responsible for monitoring the implementation of a previous ARB recommendation that called for State to review embassy risk management decisions. According to a former M/PRI official, M/PRI did not review these CMS communications for other purposes, including to identify incidents that may meet ARB statute criteria. In addition, in April

²⁴According to State, CMS convenes the Committee on Overseas Risk Evaluation in response to embassy reporting to ensure that State senior management is aware of developments that affect diplomatic posts' operating status and personnel. The committee reviews identify actionable guidance and recommendations from a range of State offices in Washington, D.C., which are provided to the embassy through the appropriate regional bureau. CMS electronically distributes information to the committee participants, which include staff of the Deputy Secretary of State, the Under Secretary of State for Political Affairs, and the Under Secretary of State for Management; representatives from the appropriate regional bureau, in this instance WHA; DS; MED; the bureaus of Consular Affairs, Political Military Affairs, Intelligence and Research, and Public Affairs; and other offices and bureaus, as appropriate. CMS chairs the committee and is responsible for its operations and records.

and May 2017, CMS included multiple cables on the situation in Cuba in its daily *Safety Overseas Summary* for State senior management.²⁵

In response to the incidents, U.S. embassy and WHA officials met with Cuban officials to emphasize to the Cuban government its responsibilities to ensure the safety of foreign diplomats in Cuba, according to testimony by State officials. In mid-February 2017, U.S. officials met with Cuban officials in Havana and Washington, D.C., about the incidents, citing the Vienna Convention requirements to provide for the safety and security of diplomats, according to State officials.²⁶ Following additional incidents reported in March and April 2017, U.S. officials met again with Cuban officials in Havana and Washington, D.C. In May 2017, State expelled two Cuban diplomats from the United States to underscore the Cuban government's responsibility to protect U.S. personnel in Cuba, according to testimony by State officials. In September 2017, State ordered the departure from Cuba of non-emergency U.S. embassy personnel and, in October, expelled 15 Cuban diplomats from Washington, D.C. to underscore to Cuba its obligations to protect U.S. personnel, according to testimony by State officials.

According to State officials, by May 2017, the embassy, WHA, DS, and MED were aware of 16 U.S. personnel and family members in Havana who had been injured, although unable to determine the cause. In January 2018, State's Medical Director testified to Congress that by May 1, 2017, State had determined that several of those individuals had serious injuries.²⁷ Between February and May 2017, a specialist at the University of Miami evaluated 80 members of the embassy community. MED arranged for the medical evacuations of about 40 U.S. personnel from Cuba to Miami, Florida, for evaluations with the specialist, and the

²⁵CMS's *Safety Overseas Summary* is a daily internal report for State senior management that highlights safety and security-related events at overseas posts. M/PRI officials told us they did not receive the summaries in April and May.

²⁶The Vienna Convention on Diplomatic Relations of 1961 is an international treaty that defines a framework for diplomatic relations (23 U.S.T. 3227, Apr. 18, 1961). Both Cuba and the United States have signed and ratified the treaty. Article 29 of the treaty states that "The person of a diplomatic agent shall be inviolable...the receiving state shall treat him with all due respect and shall take all appropriate steps to prevent any attack on his person, freedom, or dignity."

²⁷Dr. Charles Rosenfarb, Medical Director, Department of State, testimony before the Senate Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues, 115th Cong., 2nd sess., January 9, 2018.

specialist subsequently conducted additional evaluations at the embassy in Havana. According to State testimony to Congress, the specialist identified 16 individuals who had symptoms and medically verifiable clinical findings similar to mild traumatic brain injury.²⁸ In June 2018, the Secretary of State noted that the precise nature of the injuries and the cause had not yet been established.

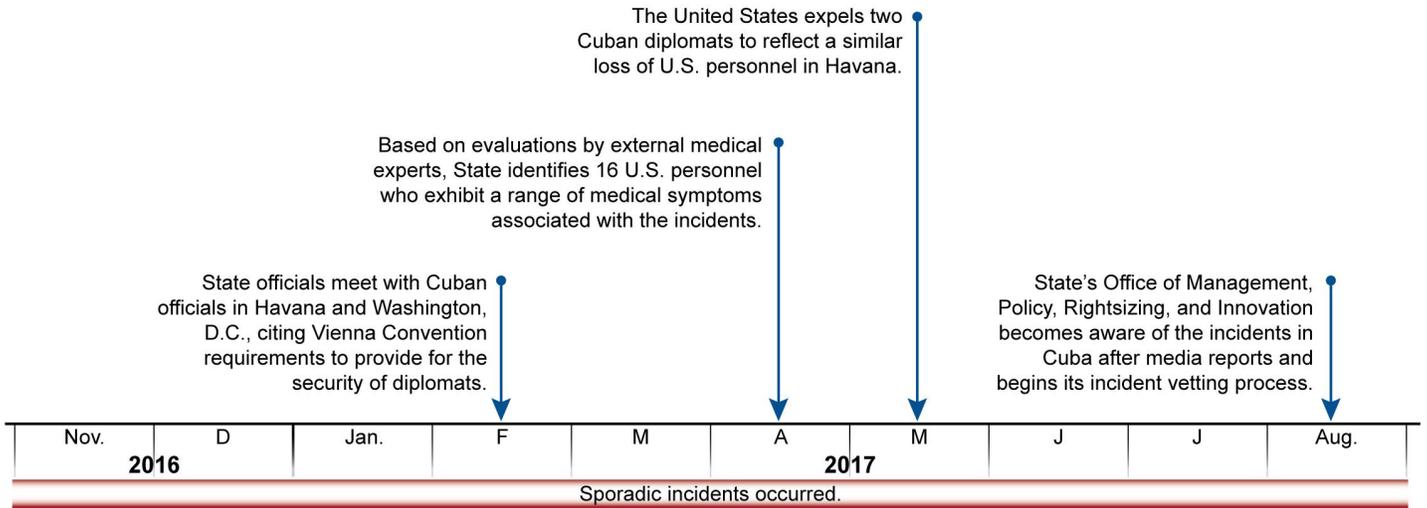
M/PRI Became Aware of the Incidents in Cuba after Media Reports

M/PRI officials said they became aware of the incidents in Cuba after media reports in August 2017. According to M/PRI officials, a State official—who previously worked in M/PRI—contacted M/PRI in early August after seeing media reports to inquire whether they were aware of the incidents in Cuba. Although several State entities were aware of the incidents, WHA, DS, and MED did not report the incidents to M/PRI and it was unclear whether the incidents met the criteria for convening an ARB, according to officials. However, our analysis shows that State’s policies do not instruct State entities to evaluate whether incidents meet the ARB criteria before reporting such incidents to M/PRI. Instead, State’s FAM requires M/PRI to lead the process for evaluating incidents that may involve injury, loss of life, or destruction of property.²⁹ According to the FAM, M/PRI will call a Permanent Coordinating Committee meeting if the ARB statute criteria apply or if the applicability is questionable. The committee will, as quickly as possible after an incident occurs, review the available facts and recommend to the Secretary whether to convene an ARB. M/PRI initiated State’s incident vetting process in August 2017, as shown in figure 2 below.

²⁸According to testimony by State’s Medical Director, in August 2017 the Brain Injury Center at the University of Pennsylvania started conducting additional evaluations of U.S. personnel and family members and identified over 20 individuals with confirmed medical injuries similar to mild traumatic brain injury or concussion. All of the confirmed cases described some combination of the following symptoms: sharp ear pain, dull headaches, ringing in one ear, vertigo, visual focusing issues, disorientation, nausea, and extreme fatigue.

²⁹12 FAM 032.1(e). In addition, State’s 2006 cable notes that the Permanent Coordinating Committee is responsible for determining whether to convene an ARB, not a post or bureau.

Figure 2: 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-18-615

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 determine whether incidents meet Accountability Review Board (ARB) statute criteria.

As a result of the incidents in Cuba, M/PRI officials told us they realized that they may not be aware of all incidents that may involve injury to U.S. diplomats. In an initial attempt to address this concern, M/PRI officials said they requested that CMS add M/PRI officials to the distribution list for the *Safety Overseas Summary* to try to increase M/PRI’s awareness of potential incidents. CMS told us that it added M/PRI officials to the distribution list in October 2017.

According to M/PRI officials and a timeline provided by M/PRI, once these officials became aware of the incidents in August 2017, the office began the ARB incident vetting process, as described in the FAM. In August 2017, these officials initially consulted with DS and MED about the incidents. In further discussion with Legal, the officials determined that they did not have sufficient information to determine whether the incidents met the ARB statute criteria. Given the uncertainties surrounding the incidents, in mid-September 2017, they decided to call a meeting of the Permanent Coordinating Committee, which included representatives from M/PRI, WHA, DS, MED, Legal, the Bureau of Intelligence and Research, the Bureau of Counterterrorism, and the Intelligence Community. The committee initially met on September 28, 2017, to review the available

facts against the ARB statute criteria, and concluded that it needed additional time to determine whether the ARB statute criteria had been met. On November 28, 2017, the committee met again and recommended to the Secretary of State that an ARB be convened. The Secretary of State concurred with the recommendation on December 11, 2017, and convened the ARB on January 12, 2018. The ARB officially began its work in early February 2018.

Conclusions

An ARB is intended to result in improved security programs and practices at U.S. missions abroad. While State has directed M/PRI to initiate the incident vetting process—including convening the Permanent Coordinating Committee to evaluate the facts—State’s policies do not define responsibilities for internal communication to M/PRI of incidents that may involve injury, loss of life, or destruction of property at U.S. missions abroad. Although M/PRI officials may receive information through informal channels, this approach does not ensure that M/PRI will be made aware of relevant incidents. With regard to the incidents in Cuba, M/PRI could not begin the incident vetting process for determining whether the ARB statute criteria had been met until it became aware of them in August 2017. When M/PRI is not aware of incidents that may meet the ARB statute criteria, it cannot initiate the incident vetting process for convening ARBs. Until State establishes policies that ensure the appropriate office is promptly aware of potentially relevant incidents—for example, policies that identify formal internal communication procedures and document responsibilities for such communication—State is at risk of failing to comply with the ARB statute. Improving its security programs at U.S. diplomatic posts is all the more imperative given recent reports of similar incidents, such as in Guangzhou, China.

Recommendation for Executive Action

To ensure that State’s process allows it to initiate its ARB incident vetting process in a timely manner, the Secretary of State should revise State’s policies to define responsibilities for internal communication to M/PRI of incidents that may involve injury, loss of life, or destruction of property at, or related to, U.S. missions abroad. (Recommendation 1)

Agency Comments and Our Evaluation

We provided a draft of this report to State. In its written comments, State concurred with our recommendation. State said it will improve its processes for ensuring effective internal communication. We have reprinted State's comments in their entirety in appendix I. State also provided technical comments, which we incorporated as appropriate.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the appropriate congressional committees and the Secretary of State. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

If you and your staff have any questions about this report, please contact me 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 report. GAO staff who made major contributions to this report are listed in appendix II.



Brian M. Mazanec
Acting Director, International Affairs and Trade

List of Requesters

The Honorable Marco Rubio
Chairman
Subcommittee on Western Hemisphere, Transnational Crime, Civilian
Security, Democracy, Human Rights, and Global Women's Issues
Committee on Foreign Relations
United States Senate

The Honorable Ileana Ros-Lehtinen
Chairman Emeritus
Committee on Foreign Affairs
House of Representatives

The Honorable Paul Cook
Chairman
Subcommittee on the Western Hemisphere
Committee on Foreign Affairs
House of Representatives

The Honorable Albio Sires
Ranking Member
Subcommittee on the Western Hemisphere
Committee on Foreign Affairs
House of Representatives

The Honorable Carlos Curbelo
House of Representatives

The Honorable Mario Diaz-Balart
House of Representatives

The Honorable Alex X. Mooney
House of Representatives

Appendix I: Comments from the Department of State



United States Department of State

Washington, D.C. 20520

July 13, 2018

Thomas Melito
Managing Director
International Affairs and Trade
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548-0001

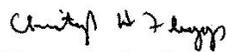
Dear Mr. Melito:

We appreciate the opportunity to review your draft report, "REPORTED INJURIES TO U.S. PERSONNEL IN CUBA: State Should Revise Policies to Ensure Appropriate Internal Communication of Relevant Incidents GAO Job Code 102699.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Sandra Cimino, Management Analyst, Office of Management Policy, Rightsizing and Innovation at (202) 736-4234.

Sincerely,


Christopher H. Flaggs

Enclosure:
As stated

cc: GAO – Brian Mazanec (Acting)
OIG - Norman Brown

Department of State Comments on GAO Report

**REPORTED INJURIES TO U.S. PERSONNEL IN CUBA: State Should
Revise Policies to Ensure Appropriate Internal
Communication of Relevant Incidents**
(GAO-18-615, GAO Code 102699)

The Department of State appreciates the opportunity to respond to GAO's draft report entitled "*Reported Injuries to U.S. Personnel in Cuba: State Should Revise Policies to Ensure Appropriate Internal Communication of Relevant Incidents.*"

Recommendation: To ensure that State's process allows it to initiate its ARB incident-vetting process in a timely manner, the Secretary of State should revise State's policies to define responsibilities for internal communication to M/PRI of incidents that may involve injury, loss of life, or destruction of property at, or related to, U.S. missions abroad.

The Department of State concurs with the intent of the GAO's recommendation. It is important that the individual or office responsible for convening Accountability Review Board Permanent Coordinating Committees (PCC) receive any relevant information, to the extent permitted by law, as soon as any bureau becomes aware of a situation that could warrant a PCC meeting. The Department will re-assess and improve its processes for ensuring such effective internal communication.

Appendix II: GAO Staff Acknowledgments

GAO Contact

Brian M. Mazanec, (202) 512-5130 or mazanecb@gao.gov

Staff Acknowledgments

In addition to the contact named above, Judith McCloskey (Assistant Director), Ashley Alley, Debbie Chung, Thomas Costa, Marcia Crosse, Neil Doherty, Justin Fisher, Christopher Hayes, Brandon Hunt, Joseph Kirschbaum, and George Ogilvie made key contributions to this report.

Appendix III: Accessible Data

Agency Comment Letter

Accessible Text for Appendix I Comments from the
Department of State

Page 1

July 13, 2018

Thomas Melito Managing Director

International Affairs and Trade

Government Accountability Office

441 G Street, N.W.

Washington, D.C. 20548-0001

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Page 2

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