

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2018

WEDNESDAY, APRIL 5, 2017

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:00 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Susan Collins (chairman) presiding.

Present: Senators Collins, Capito, Hoeven, Reed, Murphy, and Manchin.

U.S. MARITIME ADMINISTRATION

STATEMENT OF HON. JOEL SZABAT, EXECUTIVE DIRECTOR

OPENING STATEMENT OF SENATOR SUSAN M. COLLINS

Senator COLLINS. The committee will come to order.

Good morning. This week marks the beginning of a month that is devoted to raising awareness of sexual assault and sexual harassment, so our hearing is particularly well-timed.

I do want to explain that there is an exceptionally high number of hearings going on right now. Otherwise, I am certain, from conversations that I have had with committee members, that our attendance would be far higher because there is widespread concern about this issue. In addition, as you may have read, there is a little bit going on, the Senate floor right now, and that too is drawing members away.

Today, our subcommittee is holding this hearing on the United States Merchant Marine Academy's response to reports of sexual assault and sexual harassment, an unacceptable problem for the academy that has existed for far too long. As a result, the academy's accreditation status is in jeopardy.

The U.S. Merchant Marine Academy is a critical institution dedicated to ensuring that our country educates and retains credentialed officers in our armed services and merchant mariners for the maritime industry. Graduates of the academy are essential for our Nation's defense and, in times of war, are crucial to moving our troops, supplies, and equipment.

Unfortunately, just like many other universities, service academies, and even, we recently learned, the U.S. gymnastics team, the U.S. Merchant Marine Academy (USMMA) continues to face challenges in addressing incidents of sexual assault and sexual harassment both on its campus as well as during the Sea Year

when midshipmen are sent to train on U.S.-flagged commercial vessels.

When parents send their children off to college, the last thing that they expect is for them to endure repugnant and at times criminal behavior. The last thing they expect is for their children to find themselves in a situation where they are either unable or unwilling to seek help or report their experience.

Let me be clear: Sexual assault is a heinous crime that must be eradicated in every corner of our society, but it is particularly important since when parents entrust their children to our Nation's service academies, we bear the responsibility to ensure the safety of the young people enrolled.

According to the most recent anonymous survey, 4 percent of midshipmen experienced unwanted sexual contact in the last academic year, but for female midshipmen, this number was nearly 20 percent. When you add in sexual harassment, the number soars to 60 percent.

If you look at just sexual contact, unwanted sexual contact, this roughly translates to 27 of the 150 female midshipmen at the academy who experienced inappropriate sexual contact. Another six incidents involved male cadets, for a total of 33 incidents.

And I would note that some 87 percent of cadets took this survey for the 2015–2016 year, so this is not a case where we had a survey to which very few midshipmen responded.

Even more alarming to me is the fact that only 4 of these 33 midshipmen felt comfortable enough to file a restricted report of their experience. That allows them to receive appropriate medical, legal, and counseling services. It is appalling that not 1 of the 33 felt safe enough to make an unrestricted report that would allow law enforcement to investigate. That is simply unacceptable.

For too long, the academy passively accepted a culture where midshipmen who experienced sexual assault or harassment are either too afraid of reporting incidents or are fearful of retribution from their peers. A recent report comparing our Nation's five service academies showed that the USMMA had the highest rate of sexual assaults based on anonymous survey data and also the lowest rate of formal reports.

The crisis at the academy was highlighted in June 2016 when former Transportation Secretary Foxx temporarily suspended the Sea Year program until he could guarantee the safety of all midshipmen training on commercial vessels. During the suspension, the department worked with the maritime industry and labor unions to develop a course of action to address sexual assault and sexual harassment, and assigned midshipmen to Federal vessels and provided other training opportunities to prevent delays in the graduation of any student.

Just last month, the new Transportation Secretary, Elaine Chao, resumed the Sea Year program with specific eligibility criteria set by the Shipboard Climate Compliance Team. To date, five companies that have met these requirements are able to once again provide the necessary training to midshipmen on their vessels in a safe, zero-tolerance environment.

Sexual assault and harassment incidents led the Middle States Commission on Higher Education to issue a warning to the acad-

emy last year that its accreditation status may be in jeopardy. According to the commission, the academy failed to meet five of its 14 standards. The assessment highlighted that the campus climate and incidents of sexual assault and harassment have been a serious and recognized problem for more than a decade but still have not been addressed adequately.

The commission also noted that the academy has been slow to hire and retain key leadership personnel. I am particularly concerned that the sexual assault response coordinator who was making effective changes on campus is no longer with the academy and that position remains vacant.

The good news today is that the current leadership at the academy and at MARAD have shown a willingness to provide the necessary training and assistance and, more important, to change the culture and environment at the academy.

Victims simply must not be subjected to sexual assault and harassment nor face retribution for speaking up. I want to ensure each and every midshipman, their parents, and everyone associated with the academy, that this is a problem that we are committed to solving and absolutely must solve.

[The statement follows:]

PREPARED STATEMENT OF SENATOR SUSAN M. COLLINS

Today, our subcommittee is holding this hearing on the United States Merchant Marine Academy's (USMMA or Academy) response to reports of sexual assault and sexual harassment, an unacceptable problem for the Academy that has existed for far too long. As a result, the Academy's accreditation status is in jeopardy.

The U.S. Merchant Marine Academy is a critical institution dedicated to ensuring that our country educates and retains credentialed officers in our armed services and merchant mariners for the maritime industry. Graduates of the Academy are essential for our nation's defense, and in times of war are crucial to moving our troops, supplies, and equipment.

Unfortunately, just like many other universities, service academies, and even the U.S. Gymnastics team, the USMMA continues to face challenges in addressing incidents of sexual assault and sexual harassment both on its campus as well as during the Sea Year, when midshipmen are sent to train on U.S. flagged commercial vessels.

When parents send their children off to college, the last thing they expect is for them to endure repugnant and at times criminal behavior, and to find themselves unable or unwilling to seek help or report their experience. Let me be clear: sexual assault is a heinous crime that must be eradicated in every corner of our society.

But it is particularly important since parents entrust their children to our nation's service academies, we bear the responsibility to ensure the safety of the young people enrolled.

According to the most recent anonymous survey, 4 percent of midshipmen experienced unwanted sexual contact in the last academic year, but for female midshipmen, this number was nearly 20 percent. This roughly translates to 27 of the 150 female midshipmen at the Academy who experienced inappropriate sexual contact, and another 6 incidents involved male cadets, for a total of 33 incidents.

Even more alarming is the fact that only four of these 33 midshipmen felt comfortable enough to file a restricted report of their experience, which allowed them to receive appropriate medical, legal, and counseling services. It is appalling that none of the 33 felt safe enough to make an unrestricted report that would allow law enforcement to investigate. That is simply unacceptable.

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Department worked with the maritime industry and labor unions to develop a course of action to address sexual assault and sexual harassment, and assigned midshipmen to Federal vessels and provided other training opportunities to prevent delaying graduation for any student.

Just last month, the new Transportation Secretary Chao resumed the Sea Year program with specific eligibility criteria set by the Shipboard Climate Compliance Team. To date, five companies that have met these requirements are able to once again provide the necessary training to midshipmen on their vessels in a safe, zero tolerance environment.

Sexual assault and harassment incidents led the Middle States Commission on Higher Education to issue a warning to the Academy last year that its accreditation status may be in jeopardy. According to the Commission, the Academy failed to meet five of its 14 standards, and the assessment highlighted that the campus climate and incidents of sexual assault and harassment have been a serious and recognized problem for over a decade but still have not been addressed adequately.

The Commission also noted that the Academy has been slow to hire and retain key leadership personnel. I am particularly concerned that the Sexual Assault Response Coordinator, who was making effective changes on campus, is no longer with the Academy, and the position remains vacant.

The good news today is that current leadership at the Academy and at MARAD have shown a willingness to provide the necessary training and assistance, and more important, to change the culture and environment at the Academy to zero tolerance for sexual assault and sexual harassment. Victims must not face retribution for speaking up.

I want to ensure the midshipmen, parents, and everyone associated with the Academy, that this is a problem we can solve, and absolutely must solve.

I am very pleased to be joined by the ranking member, Senator Jack Reed. I want to welcome our panel of witnesses. We are joined today by:

- Joel Szabat, Executive Director of the Maritime Administration (MARAD);
- Rear Admiral James Helis, Superintendent of the U.S. Merchant Marine Academy; and
- Calvin Scovel, Inspector General of the U.S. Department of Transportation.

Let me now turn to Senator Reed for his opening remarks.

Senator COLLINS. I am very pleased to be joined today by our ranking member, Senator Jack Reed. And I know Senator Manchin has been here too.

And I want to welcome our panel of witnesses. We are joined today by Joel Szabat, the executive director of the Maritime Administration, MARAD; the Rear Admiral James Helis, the superintendent of the U.S. Merchant Marine Academy; and Calvin Scovel, the inspector general of the U.S. Department of Transportation.

I am now pleased to turn to Senator Reed for his opening remarks.

OPENING STATEMENT OF SENATOR JACK REED

Senator REED. Thank you very much, Senator Collins, for calling this very important hearing. But also let me say I associate myself entirely with your comments. I think you discuss this issue with great eloquence, great clarity, and great emphasis, because it is critically important.

Like any other institution of higher education, the U.S. Merchant Marine Academy has to have an environment that students feel safe, they feel that they have the ability to communicate with responsible officials if there is an issue, that they have to be protected and supported not just by their classmates and colleagues but by the senior leadership of the academy. And I believe that you have to act with a great sense of urgency to accomplish that mission.

We are in a situation today where we are seeing actually the rate of sexual assault at the academy rising. This is clear based on the preliminary results of the 2016 survey where nearly 20 percent of female midshipmen reported experienced sexual assault. This is a 2 percent increase from 2014 and a 5 percent increase from 2012.

Addressing this problem is challenging, particularly when key personnel positions, as Senator Collins points out, that directly manage sexual assault and sexual harassment prevention and response are vacant, delayed by President Trump's, I believe, counterproductive hiring ban. This ban has held up hiring for critical leadership positions at the academy, including the sexual assault response coordinator, victim advocates, and the commandant of midshipmen.

The funding is there for the hiring of these individuals, but the ban prevents that. The Federal Government certainly is not saving any money. It is just causing an awful lot of unnecessary, I think, harm, all the while sending a terrible signal to students, their parents, and the American people that this problem is not being taken seriously.

Months later, a hiring exemption was granted for some of these positions, but another 22 critical positions remain vacant. You cannot run a school and ensure the safety of students and provide the quality education these students deserve without the faculty and staff to support operations.

The hiring freeze does not apply to the other service academies, and it should not apply to the Merchant Marine Academy. I do not think there should be any hiring freeze at all and particularly in these critical positions.

I recognize that the Merchant Marine Academy is not the only institution facing the challenge of sexual harassment and assault. Colleges across America are struggling to address this problem. It is not unique to the Merchant Marine Academy. However, as one of the Federal Government's service academies, we should expect the Merchant Marine Academy to be a model for institutions of higher learning around the country.

To get there, we must demand accountability, provide sufficient funding, and learn from what has been successful elsewhere.

At the other military service academies, victims are immediately provided legal counsel. Does the policy make sense at the Merchant Marine Academy? That is an issue I think we would like to explore today. What would we need to do to implement this policy?

Because the Merchant Marine Academy's unique Sea Year program takes students across the globe, we need to make sure that the roles and responsibilities of investigation of sexual assault cases overseas are clearly understood by the investigating agencies, the shipboard operators, the midshipmen, and the academy itself. Based on the briefings we have had so far, I am not confident that this is the case. In fact, my concern is that we are sending young people onto ships that are not prepared to accept them, nor do they understand what their options are when they are aboard those ships. And that is a failure, ultimately, of leadership.

Finally, I would like to address concerns over reprisal and retribution, which is the key problem that keeps too many students from coming forward. In order for students to feel comfortable re-

porting incidents of sexual assault and harassment, a culture totally intolerant of reprisal is required.

I understand the Merchant Marine Academy does not fall under the Uniform Code of Military Justice, which treats acts of retribution as a criminal offense, but students in the industry need to stand up for the victims, not blame them. Swift action must be taken against those that hold such an attitude.

These are just a few of the many concerns that I have about the work that remains to be done. If resources are needed, now is the time to let us know. I fully realize that this is an issue that cannot be solved with any one remedy or policy. It will take a concerted effort and multifaceted approach from the top down.

I look forward to hearing from our witnesses about their plans and ideas.

Thank you, Madam Chairwoman.

Senator COLLINS. Thank you very much, Senator Reed.

Senator Manchin, would you like to make any opening comments?

STATEMENT OF SENATOR JOE MANCHIN

Senator MANCHIN. Madam Chairman, thank you for holding this. I think it is extremely important.

I want to thank our witnesses for the testimony they are going to be providing today for us. I do not need to remind them there is no place for sexual assault anywhere in our society, let alone in our United States Merchant Marine Academy or any of the other academies.

As someone like all of us who nominates young men and women to the academy each year, I am outraged, truly outraged, by these reports. I think we all should be ashamed of them.

I want to make sure that you are all aware that everyone that basically sits on this committee takes this issue extremely seriously, and we are waiting to hear your report, and then we will have questions following.

Thank you.

Senator COLLINS. Thank you very much.

We will now start with our witnesses, and we are going to begin with Mr. Szabat.

SUMMARY STATEMENT OF HON. JOE SZABAT

Mr. SZABAT. Good morning, Chairwoman Collins, Ranking Member Reed, Senator Manchin. Thank you for the opportunity to discuss the United States Merchant Marine Academy at Kings Point today. The academy is one of the five Federal service academies and America's flagship school to educate and license merchant mariners under a 4-year maritime-focused academic and technical program.

The Maritime Administration and the Department of Transportation are giving the academy our wholehearted support to address the problem of sexual violence and coercive behaviors. These are our people being victimized. We look after our people. We have no higher priority.

Superintendent Helis will discuss the actions being taken by the academy to address these issues. My focus will be on the actions

MARAD and the maritime industry are taking to address unacceptable behaviors at sea.

While at school, midshipmen spend a full year, half of their second and third years, at the academy, training at sea. Most of this training is done aboard commercial vessels. We call this training Sea Year.

Post-graduation, Kings Pointers have a 5-year service obligation aboard those same companies' same vessels, either in the military or, for most of them, to work as licensed mariners on board those commercial vessels. These Kings Pointers are the core of the civilian mariners our Nation relies on to meet the military sealift requirements whenever our warfighters are deployed overseas.

In 2009, the Government Accountability Office reported a multitude of USMMA budget and management problems at Kings Point. This led Congress to impose restrictions on the academy's budget and led DOT and MARAD to impose other management controls.

Three different superintendents worked to fix these problems between 2008 and 2011, but it was not until Superintendent James Helis arrived in 2012 that the campus successfully addressed its management issues. In 2014, the Government Accountability Office (GAO) reported that the academy had successfully addressed all 47 of the management shortcomings identified in 2009.

In June 2016, the Middle States Commission on Higher Education said that the restrictions imposed in 2009 were incompatible with the mission of an independent academic institution. The commission called for the academy's authorities to be reinstated as a condition of accreditation.

As the chairwoman noted, included in the Middle States accreditation warning were more troubling reports of incidents of sexual assault and sexual harassment at the academy. Similar reports of inappropriate behaviors from other surveys and sources on campus and at sea during the academy's signature Sea Year training program prompted former Transportation Secretary Foxx to temporarily suspend Sea Year.

During the stand-down, Secretary Foxx ordered a cultural audit to assess the links between those unacceptable behaviors on campus and at sea. Within 2 weeks of the stand-down, a consortium of 14 maritime leaders came to MARAD with a proposal to address sexual assault and sexual harassment at sea. MARAD created a Shipboard Climate Compliance Team that turned the initial industry proposals into required criteria for companies to meet to ensure the safety of our midshipmen.

In January, the Secretary approved the consultants' recommendation to establish Sea Year eligibility criteria for each company to meet. In February, MARAD's team finalized the requirements and criteria. These far-reaching criteria include zero-tolerance for sexual assault and sexual harassment related conduct aboard ships. It provides prevention training for crews and vetted mentors for midshipmen. We set forth a clear and detailed enforcement protocol for reporting and tracking of incidents.

As of today, 5 companies have met the new criteria and are once again safely hosting midshipmen aboard their vessels. Other companies have applied. When they finish meeting the criteria, they

will represent 84 percent of the commercial Sea Year's training capacity prior to the stand-down.

We will do more. By this summer, we will roll out with industry best practices for anti-coercive behavior training. The same industry organization will also provide standardized computer-based training for the entire maritime industry. This summer and annually thereafter, we will review the effects of the actions we have taken and make improvements as appropriate.

The leadership at MARAD, at the academy, on our SCCT team, and among our partners in industry and labor are determined to eliminate coercive behaviors, including sexual assault on campus and at sea. Even one incident is one too many.

We appreciate the support the subcommittee has continued to provide as reiterated in the March 21st letter from the chairwoman and the ranking member to Secretary Chao. We look forward to working with you to ensure the academy's progress.

I ask that my full written statement be entered into the record. I look forward to answering any questions you may have.

[The statement follows:]

PREPARED STATEMENT OF HON. JOEL SZABAT

Good morning, Chairman Collins, Ranking Member Reed and members of the Subcommittee. Thank you for the opportunity to discuss the United States Merchant Marine Academy (Academy or USMMA).

The Academy is America's flagship school for educating licensed merchant mariners capable of serving our nation in peace and war. The USMMA is operated by the U.S. Department of Transportation (DOT) and managed by the Maritime Administration (MARAD). It offers a four-year maritime-focused program, centered on rigorous academic and practical technical training that leads to a Bachelor of Science degree, a United States Coast Guard (USCG) merchant mariner credential with an unlimited tonnage or horsepower officer endorsement, and, upon application and acceptance, a commission as an officer in the Armed Forces or uniformed services (National Oceanographic and Atmospheric Administration (NOAA) Corps or the Public Health Service (PHS) Corps) of the United States. USMMA graduates incur an obligation to serve 5 years as a merchant marine officer aboard U.S. documented vessels or on active-duty with the U.S. Armed Forces or uniformed services. In addition, they must serve as a commissioned officer in a reserve unit of the U.S. Armed Services for 8 years. In 2017, 176 Midshipmen are expected to graduate from the Academy.

DOT, MARAD, and the USMMA take sexual assault and sexual harassment at the Academy very seriously. We adopted the same standardized approach to this problem as other Federal service academies. As best and as fast as we can, we are introducing policies to change the behavior and culture at the Academy to combat all kinds of abusive or coercive behaviors. This testimony discusses the actions MARAD has taken in conjunction with maritime industry, while the testimony from Superintendent Helis will discuss actions taken to combat sexual assault and harassment on the USMMA campus.

SEA YEAR

The USMMA's shipboard training program, or "Sea Year," exposes Midshipmen to life at sea on board commercial and military vessels and provides cost-effective hands-on seamanship and engineering sea time that meets the requirements to secure USCG mariner credentials. Midshipmen are required to have 360 days of sea service during their four-year maritime education to obtain their USCG merchant mariner credentials. Shipping companies and the U.S. Navy are part of a cooperative effort to ensure that a Midshipman's shore based education is enhanced by the required on-the-job training at sea.

Sea Year is critical to the education and training of Midshipmen at the USMMA, and all training must be conducted in a safe and respectful environment. In the wake of a series of reports that indicated problems with sexual misconduct and other coercive behaviors, both on campus and at sea, DOT and MARAD leadership suspended commercial Sea Year so we could develop a better understanding of the

problem and a strategy to ensure the safety of the Midshipmen. An independent external consultant assessed the organization and made recommendations in December 2016.¹

Last year, Secretary Foxx's decision to stand down commercial sea year over concerns about Midshipmen being subjected to sexual misconduct stirred vocal disagreement from industry leaders. Those same leaders, including many USMMA alumni, worked with MARAD through an extended stand down of Sea Year while the cultural audit was conducted. A consortium of 14 leading maritime companies came together with MARAD to examine ways to ensure that Sea Year training is conducted in a safe and respectful environment. Just two weeks after the stand down, the consortium brought forth a proposal to address sexual assault and harassment prevention and response. MARAD and DOT subsequently created the Shipboard Climate Compliance Team (SCCT) to establish standards and collaborate with industry, labor and the consortium, and lay out workable criteria for the companies to achieve those standards. The SCCT is led by a MARAD Senior Executive Service leader, who is a USMMA graduate. The team is made up of 10 experienced mariners (four of whom are female), and sexual harassment and sexual assault and civil rights experts. Working with industry and labor partners, and with assistance from a subject matter expert, the SCCT has established stringent new requirements that companies must meet to be eligible to participate in Sea Year training. Because of the strong working relationship between MARAD and these maritime leaders, five companies today are already meeting new standards for sea year eligibility and have Midshipmen currently, or preparing to, sail aboard their companies' vessels.

MARAD's "Sea Year Eligibility" criteria include the following:

Company-Wide Zero Tolerance Message—Shipping company CEOs will issue an annual company-wide message outlining specific rules for the workplace, strongly stating that sexual assault and sexual harassment, including any retaliation based on a complaint, are unacceptable, and committing the company to eradicate such behavior and enforcing a zero-tolerance policy.

Annual Sexual Assault and Sexual Harassment Prevention Training Requirement for Crew—Annual sexual assault and harassment prevention training will ensure that crewmembers clearly understand what constitutes sexual assault and sexual harassment, its negative impact, the importance of prevention, and the severe penalties for engaging in prohibited behavior or for failing to report an incident. All crewmembers will clearly understand their responsibility as supervisors, employees, witnesses, and bystanders. Crewmembers must complete this training prior to Midshipmen arriving on board, or within 72 hours of signing-on, if Midshipmen are already onboard the vessel.

Mentors with Enhanced Selection Criteria and Duties—Mentors for each ship play a crucial role in the success and development of cadets. Per enhanced mentor qualifications, a mentor must certify that he/she does not have any pending complaints or history of violations of any other company's Sexual Assault Sexual Harassment policies. The mentor must be of good character, and know, support, and advocate for the company's sexual assault sexual harassment prevention and response policies. Mentor duties include:

- Helping Midshipmen understand company shipboard policies and procedures, and their roles and responsibilities aboard the ship;
- Serving as a resource for Midshipmen while onboard;
- Being readily available to Midshipmen and seeking to understand each individual's concerns about their vessel assignment;
- Guiding the Midshipmen in understanding shipboard protocol, sexual assault and harassment prevention and response policies, and expected code of conduct;
- Supporting Midshipmen once they join the crew and helping them transition from their academic learning environment to the professional shipboard setting;
- Encouraging the development of a well-rounded mariner;
- Referring Midshipmen to other resources as needed, such as other crewmembers aboard the vessel, company employees, or Academy personnel; and
- Participating in prescribed sexual assault and harassment prevention and anti-discrimination training and serving as a reporting mechanism for complaints of sexual misconduct.

Verify Annual Sexual Assault and Sexual Assault Prevention and Response Training—Each company will provide MARAD documents describing company-specific

¹Logistics Management Institute (LMI). December 2016. "Department of Transportation U.S. Merchant Marine Academy Culture Audit." Available at: <https://www.usmma.edu/sites/usmma.edu/files/docs/USMMAReport%20508.pdf>

training protocols; the company's anti-discrimination, harassment, retaliation and sexual misconduct policies, including complaint reporting policies and procedures; a description of the company's investigation process and enforcement procedures; and, a mechanism for verifying their understanding of the issue.

Zero-Tolerance Policy Regarding Romantic or Sexual Relationships—Companies will actively support the USMMA Sea Year Conduct policy for Midshipmen, which prohibits romantic or sexual relationships between Midshipmen and crewmembers, and the consumption of alcohol by Midshipmen under 21 years old. Companies will immediately report known Midshipmen violations to the USMMA. A violation of the USMMA Sea Year policy may result in counseling or punishment pursuant to the Midshipmen Regulations.

MARAD Will Maintain a Record of all Relevant Company Policies—Companies will submit all relevant policies and documentation to MARAD, and MARAD will verify compliance annually. Required documentation includes, but is not limited to, sexual assault and harassment prevention and response policies; a description of company's complaint reporting process and procedures; policies related to confidentiality, enforcement, and retaliation and investigation procedures; and, the location of sexual misconduct prevention policies onboard the vessel.

Company Debrief—Currently, both Midshipmen and the Vessel Masters evaluating them provide a report to the USMMA upon completion of an individual's Sea Year training. In addition to these reports, the new criteria require the company to provide the Academy a sexual assault and sexual harassment debrief at the completion of the Midshipmen's Sea Year time with the company. The debrief provides the company an opportunity to specifically addresses issues and note any concern or need for improvements.

The requirements outlined above will be reviewed starting 6 months after MARAD initially certifies a company to participate in Sea Year, and annually thereafter. In addition, the SCCT has developed and is implementing a company-by-company review process to recommend eligibility for carrying USMMA Midshipmen aboard their commercial ship. The SCCT will review documents provided by carriers to ensure compliance with the criteria. Once that process is complete, the USMMA Superintendent may issue an eligibility letter. MARAD Headquarters will coordinate with USMMA to board vessels and visit companies to conduct Shipboard Climate Compliance Team (SCCT) audits. The audit priority will be driven by review of company documentation that pertain to sexual misconduct. Additional feedback from the companies will be provided in accordance with the SCCT requirements. This is in addition to current reporting from the Midshipmen to the USMMA Department of Shipboard Training Academy Training Representative Midshipman Assignment Report, which provides feedback from the cadet about the company and sea year experience. Each of these reports and opportunities for feedback will specifically addresses sexual harassment and sexual assault. The audit team will consist of one to two MARAD representatives.

At present, five companies have met compliance requirements and resumed hosting Midshipmen on their vessels. MARAD is also reviewing the packages of several other companies which have applied to meet the Sea Year requirements. Collectively, the companies that have been approved, or are applying, represent 84 percent of the commercial Sea Year training provided before the suspension.

ACCREDITATION

Actions to improve sexual assault and sexual harassment prevention and response at the Academy also address concerns raised during the Academy's reaccreditation. In June 2016, the Middle States Commission on Higher Education (MSCHE) placed the Academy's accreditation in warning status because it found that the Academy was not meeting five of MSCHE's fourteen standards of accreditation. Of the five standards, one pertains to improving sexual misconduct response and prevention and four are related to independent governance at the Academy and returning budget and management authorities to the USMMA as a condition of accreditation.

In 2009, the Government Accountability Office (GAO) issued a report that described certain USMMA budget and management problems, which led Congress to require DOT and MARAD to provide additional oversight of the Academy's budget. The USMMA had three Superintendents from 2008 to 2011 trying to fix these problems. Rear Admiral James Helis became Superintendent in 2012 and brought stability and resolution. By 2014, the GAO reported to Congress that the USMMA had addressed all 47 of the management shortcomings that GAO identified in 2009. Returning budget and management authorities to the USMMA addresses accreditation concerns and recognizes the tremendous accomplishments by Superintendent Helis and his leadership team.

The Academy remains accredited while we work with MSCHE to address their requirements and recommendations, and we are making good progress. As recommended by MSCHE, DOT requested relief from legislation that constrains the Academy's budget. Thanks to the actions of this Subcommittee, one of the two constraints has already been lifted. MARAD and the Academy are currently working to fill key positions and to return direct reporting authority for human resources, financial management and procurement back to the Academy. Finally, as noted above, DOT and MARAD are supporting the Academy's efforts to ensure the safety of its Midshipmen by improving sexual assault and sexual harassment response and prevention on campus and during Sea Year. The Academy has 2 years to return to full compliance, and we are confident that we will meet that goal and ensure the highest caliber education for the Academy's Midshipmen.

ACADEMY IMPROVEMENTS

Between fiscal year 2010 and fiscal year 2016, \$102.1 million has been appropriated for the Capital Asset Improvement Program (CIP). The USMMA has fully renovated all six student dormitories, as well as the campus dining facility, and security enhancements have been made to provide safe living and learning spaces for Midshipmen. We have replaced the main pier and severely damaged sections of the seawall. These improvements restored structural integrity and enhanced safety, providing a modern platform for instructional, competitive and recreational waterfront activities. Additionally, all phases of the water main replacement are now complete, as are phase two of the survey and design of the electric grid and power supply improvements. This is a three-phase project for all buildings on campus that will increase reliability, improve energy efficiency, and reduce utility costs.

The process to renovate the four main academic buildings has begun, which will improve the Midshipman learning experience. A generous alumni donation has allowed improvements on lower Roosevelt Field. Additionally, renovation of Zero Deck is currently underway and scheduled for completion in May 2017. When completed this project will provide roughly 90,000 square feet of below-grade basement level space that connects all six barracks and Delano Hall, to allow a safe and secure environment when traveling between these locations.

DOT and MARAD are committed to the continued success of the Academy and we intend to build upon the improvements that have been made in recent years. We appreciate the support this Subcommittee has provided and look forward to working with you to ensure the Academy's progress.

Thank you for your interest, and I am happy to answer any questions you may have.

Senator COLLINS. Without objection, your full statement will be put in the record, as will those of the other witnesses. Thank you.
Admiral Helis.

STATEMENT OF REAR ADMIRAL JAMES HELIS, SUPERINTENDENT, U.S. MERCHANT MARINE ACADEMY

Admiral HELIS. Good morning, Chairman Collins, Ranking Member Reed, and members of the subcommittee. Thank you for the opportunity to testify on the prevention of sexual assault and sexual harassment at the United States Merchant Marine Academy.

Executive director Szabat has covered some basics about the academy and its mission to educate and graduate licensed merchant mariners and leaders of exemplary character to serve our Nation's marine transportation and national security needs.

I would add that the academy attracts quality young men and women who meet rigorous admission standards. They demonstrate superior character and leadership qualities to complement a strong academic record. In recent years, the quality and diversity of incoming classes have improved considerably, which feeds into our efforts to build a healthy and respectful campus culture.

It is an important dynamic that supports my top strategic priorities for the academy, which are to prevent sexual assault and sexual harassment and other coercive behaviors on campus and during

Sea Year training, to conclude reaccreditation by the Middle States Commission on Higher Education, to continue modernizing and renovating campus infrastructure and facilities, and to strengthen midshipmen leadership development. I will focus my testimony today on sexual assault and harassment prevention and reaccreditation.

Sexual assault and sexual harassment are unacceptable behaviors at any institution of higher education, especially one committed to developing our Nation's future leaders. To that end, we have taken a number of aggressive steps since 2012 to address the problem.

In fiscal year 2012, the academy hired its first sexual assault response coordinator and established a 24/7 victim hotline. The academy also works closely with the local victim advocacy agency to provide another confidential reporting option. We have beefed up mandatory training for faculty, staff, and midshipmen on sexual assault, sexual harassment, dating violence, stalking, and bystander intervention. We have also implemented recommendations made by the Department of Transportation inspector general in fiscal years 2013 and 2014 after a thorough evaluation of the academy's sexual assault prevention and response program. In addition, a campus cultural study commissioned by the Department of Transportation in 2016 generated more valuable recommendations that are also being implemented. The Defense Manpower Data Center continues to administer gender relations surveys and conduct focus groups across campus. While we have made progress in increasing midshipmen awareness and understanding of sexual assault and sexual harassment, we are extremely disappointed that the surveys show we are not seeing a decrease in the number of incidents.

In 2016, we redoubled our efforts by recognizing that the core issue is the culture of the academy in providing a safe learning environment which values and respects every midshipman and allows them to develop into exemplary leaders. Additionally, this past fall, we created a sexual assault prevention and response office, and we are hiring two victim advocate educators and a Sea Year coordinator, in addition to the sexual assault response coordinator, to plan and execute training for victim services and prevention.

A special team of staff, faculty, and midshipmen participated in the cultural change conference hosted by the U.S. Air Force Academy in February 2017 and are now drafting a comprehensive campaign plan to transform the academy's culture. Another committee is working to overhaul all Sea Year policies and training.

Other actions this past year include vetting maritime companies through MARAD Shipboard Climate Compliance Team to enact standards to prevent sexual assault and sexual harassment from occurring at sea.

All of our efforts are focused on building a community with zero-tolerance for sexual assault and sexual harassment, retaliation, bullying, hazing, coercion, victim-blaming, and alcohol misuse and abuse. We know that our leadership, staff, faculty, and midshipmen must all work together to eliminate these behaviors and hold those who violate academy standards accountable.

I have a very personal stake in this problem as my own experience in assisting victims of sexual assaults dates back to the 1990s during my time in service in the Army as a battalion commander. I know firsthand from working with victims the lifelong harm these crimes inflict. It undermines unit readiness and cohesion, and hurts our ability to accomplish our mission.

As a Federal service academy, USMMA should be setting an example for eliminating sexual assault and sexual harassment. Anything less is a failure on our part.

The work we have done to improve sexual assault prevention and response also addresses one requirement the academy must meet for reaccreditation. In June 2016, the Middle States Commission on Higher Education placed the academy on a warning status for not meeting 5 of their 14 standards of accreditation. As detailed in my written testimony, the academy is taking actions to correct the deficiencies identified by Middle States and submitted a required report on our progress to Middle States on March 1. The academy remains accredited as we work to address the recommendations made by Middle States, and we anticipate their final report in July.

Thank you for inviting me to testify today. I appreciate your interest and continued support for the academy and will be happy to answer any questions you might have.

Thank you.

[The statement follows:]

PREPARED STATEMENT OF REAR ADMIRAL JAMES HELIS

Good morning, Chairman Collins, Ranking Member Reed and members of the Subcommittee. Thank you for the invitation to testify on the state of the United States Merchant Marine Academy (USMMA or Academy).

The mission of the Academy is to educate and graduate licensed merchant mariners and leaders of exemplary character who will serve America's marine transportation and defense needs in peace and war. Each year the Academy graduates highly-qualified U.S Coast Guard (USCG) credentialed mariners committed to serving the Nation as officers in the Armed Forces and the Merchant Marine.

The Academy provides a comprehensive four-year leadership development experience. All graduating Midshipmen will receive a Bachelor of Science degree, a USCG-issued Merchant Marine officer's license, and a commission in an Active or Reserve Component of one of the Armed Forces. They can meet their service obligation in one of two ways: twenty to twenty- 5 percent will choose to serve 5 years on Active Duty as an officer in any branch of the Armed Forces, while the remaining majority of the class will sail for 5 years as a Merchant Marine officer on US-flagged commercial ships or with a Federal agency, which can include the Military Sealift Command or the National Oceanographic and Atmospheric Administration.

The Academy's mission begins with the men and women who pass through its gates in late June to begin their four-year journey. The Academy has a highly competitive and selective admissions process. Candidates must have a strong academic record and demonstrate superior character and leadership potential through their participation in co-curricular activities, athletics, and community service. They must meet rigorous medical and physical fitness qualifications for military service. And they must receive a nomination from a Member of Congress or qualify for one of fifty direct appointments by the Secretary of Transportation by demonstrating qualities deemed to be of special value to the Academy.

I believe that enhancing the diversity of the Regiment of Midshipmen will strengthen our efforts to improving the campus culture, which in turn is critical to eliminating sexual assault, sexual harassment, and other coercive and unacceptable behaviors. Over the past 6 years the quality and diversity of the incoming classes has improved considerably. Comparing the classes of 2014 and 2020, the most recently admitted, we saw the mean score on the Scholastic Aptitude Test (SAT) improve from 1215 to 1280. The percentage of women admitted rose from 12.9 percent to 19.7 percent. Admission of individuals who represent racial minorities similarly rose from 15.2 percent to 24 percent. Other indicators of the quality of our incoming

candidates include class rank and grade point average, as well as candidates who have held key leadership positions in student government, athletics, and co-curricular and community activities. We are pleased with the progress we are making and expect to see continued improvements in the quality and diversity of future classes.

My top strategic priorities for the Academy are preventing sexual assault and sexual harassment and other coercive behaviors, reaccreditation by the Middle States Commission on Higher Education (MSCHE), continuing our work to modernize and renovate campus infrastructure and facilities, and strengthening Midshipmen leadership development. I will focus my testimony today on sexual assault and harassment prevention and reaccreditation.

Sexual assault and sexual harassment are unacceptable behaviors that have no place at any institution of higher education, especially one committed to developing our Nation's future leaders. I am committed to the elimination of sexual assault and harassment on our campus and, until we reach that goal, improving the environment at the Academy so that victims are comfortable reporting all incidents and confident that Academy personnel will respond appropriately to reported incidents. The steps we have taken since 2012 to address sexual assault and harassment are included in our annual reports to Congress. We welcomed an evaluation of our programs by the Department of Transportation's (DOT) Inspector General in fiscal year 2013 and fiscal year 2014, which provided another set of eyes on our programs and useful recommendations which we have implemented. In addition, the National Defense Authorization Act for fiscal year 2017, Public Law 114-328, requires the DOT Inspector General to report, by March 31, 2018, on the effectiveness of the sexual assault and sexual harassment prevention and response program (SAPR) at the Academy. The Defense Manpower Data Center (DMDC) continues to administer the Service Academy Gender Relations (SAGR) Survey in even numbered years, and conducts focus groups with Midshipmen, staff and faculty in odd-numbered years as they do for the other four Federal Service Academies. Additionally, the results of the study commissioned by the Department of Transportation in 2016 on the Academy culture have been reviewed, and we are incorporating the suggestions across campus.

I am personally committed to solving this problem. My experience in assisting victims of sexual assault dates back to the 1990s when I served in the Army as a battalion commander. I know from working firsthand with victims the immeasurable, lifelong harm these crimes inflict, and how they undermine unit readiness and cohesion. Sexual assault and harassment are fundamentally at odds with our values as a Nation—values that we are obligated as leaders to live by, model, and expand on. They undermine our ability to accomplish our mission. The USMMA, a Federal service academy, should be setting the example for the Nation in eliminating sexual assault and sexual harassment. Anything less is a failure on our part.

At the Academy, we established a multi-disciplinary Sexual Assault Review Board (SARB), which meets monthly, to provide executive oversight and procedural guidance for the SAPR program by reviewing ways to improve processes, system accountability and victim access to quality services. The SARB has implemented standard operating procedures for Investigating an Unrestricted Report of Sexual Assault and Processing a Restricted (confidential) Report of Sexual Assault, and Maintenance of Restricted and Unrestricted Reports.

In fiscal year 2012, USMMA hired its first Sexual Assault Response Coordinator (SARC). The SARC resides at the Academy, and is available to Midshipmen 24/7 through a victim hotline. Victims are provided with information and referrals, and assistance in obtaining any necessary medical or mental health treatment at the Academy or at an appropriate facility in the local community and/or victim advocacy agency. Victims have access to confidential (restricted) reporting through the SARC, Health Clinic counseling staff, the Chaplain and a small number of specially trained staff and faculty victim advocates. The Academy works closely with the local victim advocacy agency to provide an additional confidential reporting option. A victim may also make an unrestricted report, which will result in the initiation of a criminal and administrative investigation.

The SARC, working with the Superintendent, Commandant and Dean of Academics, has significantly improved training across the Academy aimed at the prevention of sexual assault and sexual harassment. Faculty and staff receive mandatory training annually. Incoming Midshipmen receive mandatory training in the first three weeks in small group settings (20–25 midshipmen per training) covering the topics of sexual assault, sexual harassment, dating violence, stalking, and bystander intervention. Beginning with the Class of 2019, we increased training to three hours from the one hour that previous classes received. The SARC and Commandant continue to provide quarterly training throughout each Midshipman's aca-

demic career in both small and large group settings. The SARC and the Department of Professional Development and Career Services provide special training sessions prior to departure for Sea Year (sophomores spend 4 months at sea and juniors spend 8 months at sea). Training focuses on where to seek help or assistance (captain, designated person ashore, SARC's 24/7 hotline), situational awareness, risk reduction, and bystander intervention. In 2016, the Academy adopted the Green Dot Bystander Intervention Program, which teaches students to identify volatile situations in which there could be the possibility of sexual violence and to defuse those situations through diversion or distraction. In addition, the SARB recently decided to increase our training on sexual assault and proper conduct for Midshipmen prior to their departure for sea training this summer.

Our survey results since 2012 indicate that Midshipmen have much better awareness and understanding of sexual assault and sexual harassment, and appreciate the commitment of everyone from the Secretary of Transportation through MARAD, the Academy's senior leadership, and Midshipmen Regimental officers to eliminate this scourge from the Academy. We are extremely disappointed that we are not seeing a decrease in incidents in the survey results. In 2016, we redoubled our efforts to address this problem.

As a first step, we began drilling down into the available data and feedback from the Advisory Board and our own conversations with Midshipmen. It became clear to me that we needed to more closely examine the Sea Year and its potential effects, as that is the component of our program that sets USMMA apart from the other Federal service academies. MSCHE affirmed this concern in their report last year, highlighting a need for the USMMA to address the issues of sexual assault and harassment at sea and on campus. After further analysis and discussion among the senior leadership at USMMA, MARAD, and DOT, as MARAD Executive Director Joel Szabat discussed in his testimony, former Secretary Foxx decided to stand down sea year training until procedures were in place to better assure a safe climate for our Midshipmen. The combined efforts of USMMA, MARAD, DOT, and industry and labor resulted in the certification process described by Mr. Szabat, which we have now implemented.

In addition to the sea year stand down, Secretary Foxx directed a deep dive into USMMA culture to identify other factors that could be contributing to our challenges with sexual assault and harassment and other unacceptable behaviors. The study has provided useful analysis that will inform our way forward.

While we have implemented policies and programs based on best practices adopted in the military and higher education, we have not seen the results we desire or expect. The core issue we must address—that we are now addressing—is the very culture of USMMA. We must take actions to transform the USMMA culture such that every Midshipman is respected, valued, and can develop to her or his fullest potential to serve the Nation as a leader of exemplary character. The entire USMMA community must have zero tolerance for sexual assault and sexual harassment, retaliation, bullying, hazing, coercion, victim blaming, and alcohol misuse/abuse. Leadership, staff, faculty, and Midshipmen must all unite to eliminate this behavior and support victims, and hold those who violate Academy core values and standards accountable for their actions, when incidents take place.

In the fall of 2016, we determined that the work related to managing USMMA's sexual assault prevention and response program had become more than one individual could reasonably handle. Accordingly, we created a Sexual Assault Prevention and Response Office (SAPRO) and are converting the SARC position, which became vacant in December 2016, to a SAPRO director. We are hiring two Victim Advocate-Educators who will assist the SAPRO director in planning and executing training and providing victim services. We have also added a sea year coordinator to the SAPRO.

Additional steps we have taken over the past 6 months include a reintegration program for Midshipmen when they return from sea and the addition of mandatory online interactive sexual assault and alcohol abuse prevention training. A special team made up of staff, faculty, and Midshipmen participated in a cultural change conference at the US Air Force Academy in February 2017 and are now drafting a comprehensive campaign plan to transform USMMA culture. The Deputy Superintendent led an effort which has produced a comprehensive and integrated Sexual Assault Prevention and Response Framework. A committee also has begun work to overhaul sea year policies and all training in preparation for sea year.

In addition to the efforts to improve the Sea Year training experience, the USMMA has developed a comprehensive plan to reduce sexual assault and sexual harassment on campus. The USMMA Sexual Assault Prevention and Response (SAPR) Program has significantly improved training across the Academy aimed at the prevention of sexual assault and sexual harassment, including online prevention

training, case studies, videos, social media, professional speakers and small groups. Actions taken by the USMMA have included installation of new emergency call boxes and security cameras, improvement of the security guard force, implementation of a 24/7 hotline for reporting inappropriate behaviors, and victim assistance in obtaining medical or mental health treatment. Efforts will continue to improve upon the SAPR Program as the USMMA implements recommendations from the cultural audit and responds to feedback from Midshipmen.

The Academy's work to improve sexual assault and sexual harassment prevention and response addresses one of the recommendations made by MSCHE, which accredits the Academy's academic degrees. In June 2016, MSCHE placed USMMA in a warning status because USMMA was not meeting five of MSCHE's fourteen standards of accreditation. We are presently taking action to meet the requirements identified by MSCHE to be granted full accreditation. Actions taken over the past year include MARAD's establishment of the Maritime Education and Training Executive Review Board (METERB), which serves as a formal governing and oversight body for USMMA; requesting and receiving relief from Congressional legislation constraining the Academy's budget during the interim Continuing Resolution period; developing templates for budget development and tools for linking resources with the Strategic Plan; filling key job positions and requesting that MARAD return direct reporting authority for human resources, financial management, and procurement back to the Academy; ensuring the safety of Midshipmen from sexual assault and sexual harassment by initiating a culture change campaign; and ensuring Midshipmen safety at sea by vetting maritime companies through MARAD's Shipboard Climate Compliance Team to determine if they have adequate policies and procedures in place to prevent sexual assault and harassment from happening, and are ready to respond if an incident does occur.

We submitted our required monitoring report to MSCHE on time on March 1, 2017. MSCHE is in the process of reviewing our report. A visiting accreditation team has been appointed by MSCHE and is composed of educators and experts who ensure the Academy is meeting the standards of excellence established by MSCHE. The team, led by the Naval Academy's Academic Dean and Provost, Dr. Andrew Phillips, visited the Academy March 29–31, 2017 to conduct their on-site assessment and provide us their initial findings on our progress towards correcting the shortfalls identified in 2016. We anticipate MSCHE issuing its report on USMMA's progress and status of addressing their concerns in June 2017.

Thank you for inviting me to testify today. I appreciate your interest and continued support for the Academy and will be happy to answer any questions you may have.

Senator COLLINS. Thank you.
Inspector General Scovel.

**STATEMENT OF HON. CALVIN L. SCOVEL, III, INSPECTOR GENERAL,
U.S. DEPARTMENT OF TRANSPORTATION**

Mr. SCOVEL. Chairman Collins, Ranking Member Reed, members of the subcommittee, thank you for inviting me to testify on the U.S. Merchant Marine Academy's efforts to address sexual assault and harassment.

Like everyone here today, I share your concern and appreciate your continued focus on these serious issues which threaten the health and safety of students at the academy.

At the request of members of this subcommittee and others, my office has reviewed the academy's progress in completing planned actions to address sexual assault and harassment.

Our Office of Investigations also has authority to investigate allegations of sexual assault brought to our attention, and we have, in fact, reviewed four such cases at the academy since 2009. That process included, in each instance, referral to the U.S. Department of Justice for criminal prosecution, which was declined. In addition, we are currently reviewing one open sexual assault complaint.

My statement focuses on three areas: first, DOT's actions to address congressional requirements and our prior recommendations; second, our review last year of the academy's efforts to complete

one of its action plans; and finally, the academy's continuing challenges and our upcoming work.

Since 2008, DOT and the academy have taken actions in response to the Duncan Hunter Act as well as our recommendations. These include strengthening management and oversight of a sexual assault prevention and response program, establishing SOPs for investigating instances of sexual assault and harassment, and improving the timeliness of annual reports and action plans provided to Congress.

However, in 2016, we identified additional challenges when we reviewed the academy's progress in completing its 2014–2015 action plan. As we reported to this subcommittee, the academy had not completed more than a third of its 44 planned actions by the time that plan closed in November 2015.

Many of the incomplete items were intended to address persistent problems that the academy continues to identify. These include, for example, inadequate Sea Year preparation; turnover in key positions, such as the sexual assault response coordinator; and, significantly, differences between the number of officially reported incidents of sexual assault and the number reported by surveys of midshipmen.

In addition, we found a few instances where the academy incorrectly characterized actions from its plan. For example, it reported that it had completed planned briefings of shipping companies on how to respond to incidents of sexual assault among midshipmen, a key action if midshipmen safety during Sea Year were to be maintained. In fact, however, the academy had not conducted those briefings.

As recent developments show, the effectiveness of the academy's response to sexual assault and harassment continues to be a serious concern.

Last summer, the academy received an accreditation warning and a 2-year deadline to show compliance with key standards. Meeting these standards includes taking actions to combat sexual assault and harassment, particularly during Sea Year.

Last year, DOT also ordered a temporary stand-down of the Sea Year program and commissioned an independent contractor to assess the academy's culture. That culture study noted progress on some fronts but concluded that the underlying climate contributing to these problems remains. The study also made several recommendations.

In response, the academy published an ambitious culture change action plan in January with more than 50 actions planned for this fiscal year. We commend the department and the academy for their renewed focus on transforming the academy's culture, examining Sea Year, and better supporting victims of sexual assault and harassment. However, as our prior work shows, plans only go so far. Strong follow-through is key with sustained attention by leadership at all levels to ensure that plans achieve intended results.

These concerns will guide my office's upcoming review, which will start by the end of June. Consistent with our congressional mandate, we will examine the academy's progress with this culture change action plan and the effectiveness of its sexual assault prevention and response program.

We are committed to working with DOT in addressing sexual assault and harassment at the academy, and we will keep you apprised on this and any other related work.

Madam Chairman, this concludes my prepared statement. I would be happy to answer any questions you or other members of the subcommittee may have.

[The statement follows:]

PREPARED STATEMENT OF HON. CALVIN L. SCOVEL III

Thank you for inviting me here today to testify on our work regarding the United States Merchant Marine Academy's (USMMA) efforts to address sexual assault and sexual harassment. USMMA (or the Academy) in Kings Point, NY, is one of five Federal service academies, and the only one operated by the Department of Transportation (DOT). DOT's Maritime Administration (MARAD) operates the Academy with the mission to train midshipmen to become professional merchant marine officers. While undergoing training, USMMA midshipmen are to comply with prescribed disciplinary and honor systems. However, surveys of midshipmen have revealed a longstanding pattern of sexual assault and harassment at the Academy, and recent developments have renewed concerns about the Academy's culture and the Department's oversight.

In our independent oversight role, we conduct audits and investigations of the Department's management, oversight, and compliance with policies and regulations. Over the last few years, at the request of this Subcommittee and others, we have specifically reviewed USMMA's actions to prevent, respond to, and resolve instances of sexual assault and harassment. My statement today will focus on (1) the Department's actions in response to congressional requirements and our October 2014 report recommendations,¹ (2) our 2016 review of USMMA's efforts to complete its 2014–2015 action plan,² and (3) USMMA's continuing challenges and our upcoming work.

SUMMARY

Since the 2008 passage of the Duncan Hunter Act,³ the Department has taken a number of actions to address sexual assault and harassment at the Academy. For example, in response to our October 2014 report recommendations, USMMA established standard operating procedures (SOPs) for investigating sexual assault and harassment. As required by Congress, USMMA has also created action plans to address concerns identified during its surveys of midshipmen on the effectiveness of its policies and procedures in combating sexual assault and harassment. However, our 2016 review of USMMA's 2014–2015 action plan found that the Academy had not completed 15 (34 percent) of its 44 planned actions. Our work as well as a number of recent developments, such as the Department's decision to temporarily suspend the Academy's Sea Year⁴ program, highlight that USMMA remains challenged in following through on its plans to address longstanding issues with the Academy's culture. We plan to review USMMA's progress in our upcoming review beginning this summer.⁵

While my statement focuses on our audit work, our Office of Investigations has authority to conduct investigations—on its own, or in conjunction with others—for allegations of sexual assault or harassment brought to our attention. I stand ready to use this authority.

¹ Better Program Management and Oversight Are Required for USMMA's Efforts To Address Sexual Assault and Harassment (OIG Report No. ST2015004), October 23, 2014. OIG reports are available on our Web site: <http://www.oig.dot.gov>.

² Letter to Congress Regarding USMMA's Actions To Address Sexual Assault and Harassment (OIG Controlled Correspondence No. CC2016011), August 11, 2016.

³ Duncan Hunter National Defense Authorization Act for fiscal year 2009, Public Law No. 110–417 § 3507, October 14, 2008.

⁴ USMMA's Sea Year program is training on board maritime vessels during a midshipman's sophomore and junior years for about 135 days and 265 days, respectively.

⁵ Section 3512 of the National Defense Authorization Act for fiscal year 2017, Public Law No. 114–328, Dec. 23, 2016, requires us to submit, not later than March 31, 2018, a report that describes the effectiveness of the sexual harassment and sexual assault prevention and response program at USMMA.

USMMA HAS TAKEN ACTION IN RESPONSE TO CONGRESSIONAL MANDATES AND OIG
RECOMMENDATIONS

In 2008, Congress passed the Duncan Hunter Act aimed at creating a campus environment free of sexual assault and harassment at USMMA. The act required the Secretary of Transportation to direct USMMA to prescribe policies for addressing sexual assault and harassment and to conduct annual assessments of the program's effectiveness, develop action plans, and report to Congress on its progress.

Although USMMA took actions and established goals in response to the Duncan Hunter Act, concerns about the effectiveness of USMMA's actions and reporting remained. For example, USMMA's survey for the 2011–2012 academic year indicated an estimated 25 midshipmen, 17 female and 8 male, were sexually assaulted and 136 midshipmen were sexually harassed—despite no incidents being formally reported in that academic year.

In 2014, we issued a report in response to requests from members of this Subcommittee and the House Committee on Oversight and Government Reform that we evaluate USMMA's efforts to prevent sexual assault and harassment and DOT and MARAD's role in implementing its action plans. Our report—which covered the Academy's original action plan from November 2011 through June 2013—found that USMMA had not completed over a third of the actions identified for effectively managing its Sexual Assault Prevention and Response (SAPR) program.

We made nine recommendations for improving program management and oversight and achieving the goals in the Academy's original action plan. The Department took prompt action to fully implement all of those recommendations, which we have since closed. Specific actions in response to our recommendations included the following:

- Strengthening oversight. Our report found that USMMA had not sufficiently assigned responsibility for program oversight and for ensuring compliance with statutory requirements. In response to our recommendation, the Department clarified the SAPR program's oversight responsibilities in position descriptions and policies and procedures for program implementation.
- Establishing SOPs. We reported delays in establishing SOPs for effective SAPR program management. These SOPs included ones for investigating sexual harassment and sexual assault, collecting evidence related to sexual assault and processing restricted sexual assault reports, and meeting requirements to report allegations of sexual harassment and assault. We recommended that the Academy formalize its SOPs related to the Sexual Assault Response Coordinator's (SARC) responsibilities and the execution of the SAPR program. In response, USMMA issued these SOPs in September 2014.
- Improving reporting timeliness. We reported that USMMA's annual reports to Congress were issued, on average, nearly 2 years after the academic year ended. For example, the final 2011–2012 report was issued in March 2014—21 months after the end of the academic year.⁶ In response to our recommendation, MARAD developed a plan with milestones, assigned responsibilities, and established deadlines for delivering its annual reports and action plans to Congress.

The table below lists all actions USMMA took in response to our recommendations.

USMMA Actions Taken in Response to OIG's October 2014 Recommendations

	Recommendation	Action Taken
1	Define and designate oversight responsibility for USMMA's SAPR program (including sexual harassment prevention for students) to MARAD.	The Department, MARAD, and USMMA clarified the designation of authority for SAPR oversight, including in position descriptions and program policies and procedures.
2	Establish an oversight framework for the USMMA SAPR program and its sexual harassment prevention efforts, including goals by which USMMA's progress can be assessed.	The Academy's SAPR Program Plan dated September 15, 2014, established the Academy's framework for the SAPR program.
3	Clarify lines of reporting for the Academy SARC and the Civil Rights Director, and define the position requirements for the SARC.	MARAD clarified the lines of reporting for the SARC and the Civil Rights Director and provided a position description for the SARC.

⁶ USMMA's academic year runs from July 1 through June 30.

USMMA Actions Taken in Response to OIG's October 2014 Recommendations—Continued

	Recommendation	Action Taken
4	Establish continuing education requirements for the USMMA SARC position.	The Academy established a minimum continuing education requirement for the SARC of 40 hours annually.
5.	Develop performance metrics for the USMMA SAPR program and its sexual harassment prevention activities and an internal mechanism to measure USMMA's progress in meeting established program goals.	The Academy's SAPR Program Plan dated September 15, 2014, established performance metrics for the SAPR program.
6	Develop a plan with milestones, assigned responsibilities, and deadlines by which annual reports and action plans on sexual assault and harassment are delivered to Congress.	The Academy developed a plan with milestones, assigned responsibilities, and deadlines to deliver the annual report to Congress by January 15 of each year.
7	Formalize standard operating procedures related to the SARC's responsibilities and the execution of the SAPR program.	The Academy issued SOPs related to the SARC's responsibilities and the execution of the SAPR program.
8	Identify associated tasks, responsibilities, and timeframes to accomplish each goal of its most recent action plan.	The Academy updated its action plan to identify the specific tasks, responsible parties for each task, target dates for completion, and completion percentages for each task.
9	Develop a systematic recordkeeping system for sexual assault and sexual harassment reports and incidents and related training.	In September 2014, the Academy finalized an SOP that outlined the process for documentation, storage, and disposition of restricted and unrestricted reports and SAPR Program training files.

Source: OIG analysis

USMMA DID NOT FOLLOW THROUGH ON ALL OF ITS PLANNED ACTIONS FOR 2014–2015

Despite USMMA's progress in response to the Duncan Hunter Act and its actions addressing recommendations from our October 2014 report, allegations of sexual assault and harassment continued, and Congress remained concerned about USMMA's ability to follow through on its action plans. In response to direction from this Subcommittee,⁷ in 2016, we submitted a letter detailing our review of the Academy's progress in implementing its 2014–2015 action plan, which closed in November 2015.

USMMA's 2014–2015 action plan contained 44 action items, which were based on 7 areas that USMMA had identified through its 2014 anonymous survey of midshipmen:

1. Working toward a “no tolerance and full reporting” climate;
2. Working with industry to continue to address the climate aboard commercial vessels;
3. Improving intervention and prevention training among faculty, staff, and senior leadership;
4. Intensifying awareness, prevention, and bystander training among midshipmen;
5. Improving the variety and quantity of after-class activities;
6. Developing self-assessment tools; and
7. Increasing gender diversity among Academy employees and midshipmen.

Overall, we found that by the time the 2014–2015 action plan closed on November 4, 2015, USMMA had completed 29 of the 44 items (about 66 percent) listed in the plan (see exhibit for our full assessment of the 44 items). USMMA's 29 completed action items included several key improvements, such as development of SOPs for administrative investigation of sexual assaults and more confidential reporting options for midshipmen.

However, many of the incomplete items were intended to address significant problems that USMMA continues to identify. These included incident reporting, en-

⁷ Senate Report 113–182, which accompanied the Consolidated and Further Continuing Appropriations Act of 2015, Public Law No. 113–235 (Dec. 16, 2014), directed us to assess the annual report and biennial survey information issued by MARAD in fiscal year 2015 to evaluate the Academy's progress in addressing corrective actions.

hanced midshipman and staff awareness, Sea Year preparation, engagement between the Academy and the maritime industry, and engagement of USMMA leadership. USMMA also indicated in its action plan that vacancies in a few positions, such as that of the Civil Rights Director, whose responsibilities include sexual harassment prevention programs, had impeded progress on some action items. As of January 2017, this position had not been filled.

Our review also noted that the incidents of sexual assault reported through midshipmen surveys continued to be significantly more than those formally reported. Specifically, in USMMA's anonymous 2014 survey, which had 761 eligible respondents,⁸ 17 percent of women and 2 percent of men (19 to 28 women and 8 to 24 men)⁹ reported that they had been sexually assaulted, which was virtually unchanged from the data collected in 2012. However, USMMA reported in January 2016 that the number of sexual assault reports at the Academy had decreased from three in academic year 2013–2014 to one in academic year 2014–2015, which does not correlate with the survey results. According to the report, there is no easy method to determine why the number of reported incidents is low.¹⁰

Furthermore, our review raised concerns with USMMA's justification and documentation for completing its planned actions in some cases. For example, USMMA reported that it completed its planned action to conduct briefings with shipping companies on the possibility of midshipman-on-midshipman sexual harassment and assault and how to respond to incidents. However, we found that the Academy had not yet conducted any such briefings.

USMMA also reported that it completed its action to increase the gender diversity of faculty, coaches, and staff. However, we found that USMMA did not track information related to the gender diversity of its faculty, coaches, and staff and therefore cannot reliably report that it has increased diversity. As a result, we had no basis to assess completion of the item.

Some of the items that we identified as incomplete in USMMA's 2014–2015 plan were rolled over into its 2015–2016 plan, such as engaging with the industry to solicit ideas and make recommendations for additional training or policy changes. Overall, USMMA's action plans address the concerns that continue to be identified in survey and focus group results from year to year. These include reports of a pervasive sexist culture on campus, which can inhibit reports of sexual assaults due to fear of retaliation; inadequate sexual assault prevention training; and limited active engagement by leadership at all levels in addressing these issues. While leaders within DOT, MARAD, and USMMA have repeatedly stated that they are disturbed by the survey results and seriously focused on addressing these issues, follow-through will be critical to ensure action items are actually completed and achieve intended results.

USMMA CONTINUES TO FACE CHALLENGES IN ADDRESSING SEXUAL ASSAULT AND HARASSMENT, PROMPTING FURTHER DOT OIG REVIEW

As we plan our future work, we will be looking at USMMA's progress since our last report as well as assessing its response to recent events and external study findings. In particular, since mid-2016, the Academy has encountered additional challenges related to its ability to carry out its action plans to combat sexual assault and harassment.

For example, USMMA's persistent challenges regarding sexual assault and harassment have put the Academy's accreditation at risk. In June 2016, the Academy received a warning from the Middle States Commission on Higher Education (MSCHE), which issues determinations on the Academy's accreditation.¹¹ Among other things, MSCHE stated that USMMA needed to take steps to combat sexual harassment and assault, particularly during the Sea Year. MSCHE noted that USMMA will remain accredited while on warning but gave the Academy 2 years to demonstrate compliance with several key standards, including taking steps to "build

⁸ Eligible respondents were those midshipmen who checked into the 2014 survey administration session and returned a survey. Midshipmen who either failed to check into the survey session or checked in and did not return a survey were deemed ineligible.

⁹ These are weighted estimates. Defense Manpower Data Center analysts weighted the data so the results were reflective of the entire population, which consisted of 936 students (136 female and 800 male midshipmen).

¹⁰ Preliminary 2014–2015 Academic Program Year Annual Report on Sexual Harassment and Sexual Assault at USMMA.

¹¹ At least every 10 years, all accredited institutions engage in an 18–24 month period of self-study intended to demonstrate institutional compliance with accreditation standards and to promote institutional improvement. USMMA completed its self-study process and hosted an evaluation team visit during the 2015–2016 academic year.

a climate of mutual trust and respect on campus and during the Sea Year.” Recognizing the continuing indications of sexual assault and sexual harassment, the former Transportation Secretary directed USMMA to stand down the Sea Year Program in June 2016.¹²

A subsequent external study also identified persistent issues with the Academy’s culture. In 2016, following MSCHE’s findings, DOT selected an independent contractor, Logistics Management Institute (LMI), to conduct a 60-day cultural assessment of USMMA and its Sea Year program. The LMI report, issued in December 2016, concluded that although the Academy has taken actions to address sexual assault and sexual harassment, the underlying climate contributing to these issues remains. The study noted that while the military and maritime influences have enabled an Academy culture focused on service, teamwork, and discipline, the limited oversight at sea contrasted with the stricter regiment on campus has caused a “split identity.” The study pointed to other issues as well, such as fear of retaliation or alcohol influence, and noted that the Academy’s number for incidents of sexual harassment was almost one-third higher than other military service academies’ average of the same statistic. To close gaps in leadership, prevention programs, and Sea Year policies, LMI made several recommendations and identified three areas as immediate starting points for the Academy’s future actions:

- Build and align Academy leadership and management team across all levels of the institution.
- Develop and implement a comprehensive, multi-year Sexual Assault and Sexual Harassment Prevention and Response Strategic Campaign Plan.
- Develop a Sea Year credentialing program that will enable the Academy and industry to maximize program effectiveness while maintaining the health and safety of the midshipmen.

Recognizing the need to significantly transform the Academy’s culture in regards to sexual assault and harassment, USMMA published a Culture Change Action Plan in January 2017 with goals aligned with the LMI recommendations. The plan is ambitious and includes over 50 actions to complete in fiscal year 2017, including immediate actions such as filling key positions in the SAPRO and Civil Rights offices, establishing a process for credentialing shipping companies for participation in Sea Year, and establishing policies and procedures against retaliation and reprisal to support victims.

While USMMA’s plan in response to these developments is an important step, our prior work has highlighted the importance of sustained management attention and oversight to ensure that the Academy follows through on planned items as intended and that planned actions have key goals, milestones, measured outcomes, and effective implementation. These concerns will guide our upcoming reviews of MARAD and USMMA. Specifically, by June 30, 2017, we are launching a new review of USMMA to meet a congressional mandate in the National Defense Authorization Act for fiscal year 2017.¹³ Consistent with the act, we plan to examine the effectiveness of the Academy’s SAPR program, with specific focus on assessing progress with current plans.

CONCLUSION

Sexual assault and harassment cause great psychological and physical harm and must be met with zero tolerance. We acknowledge and commend the Department, MARAD, and USMMA for their renewed focus on transforming USMMA’s culture, closely examining its Sea Year, and better supporting victims of sexual assault and harassment. However, as both our prior work and recent developments have shown, the Academy’s success will hinge upon its ability to carry out strong followthrough and sustained attention at the highest levels.

We thank this Subcommittee for its continued attention to this vital area. We will keep you apprised as we continue to monitor DOT’s progress in completing its planned actions and meeting its goals to eliminate sexual harassment and assault at USMMA.

This concludes my prepared statement. I will be happy to answer any questions you or other Members of the Subcommittee may have.

¹²The Sea Year was restored for service aboard Federal vessels while MARAD worked to establish requirements for companies providing Sea Year training opportunities for midshipmen. In January 2017, former Transportation Secretary Anthony Foxx authorized USMMA to phase in Sea Year on commercial ships on a company by company basis. USMMA resumed training on certified commercial carriers in March 2017.

¹³Public Law No. 114–328, § 3512, December 23, 2016.

EXHIBIT. OIG ASSESSMENT OF USMMA'S 2014–2015 ACTION PLAN

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
DEFENSE MANPOWER DATA CENTER (DMDC) FOCUS GROUP SESSIONS			
1. Conduct DMDC focus groups.			USMMA completed this item by issuing its 2012–2013 annual report to Congress on October 17, 2014; it contained the previous set of focus group results.
2013–2014 ACADEMIC YEAR REPORT TO CONGRESS UPDATE			
2. Update the report to Congress.			This report was submitted to Congress in January 2016, which was after the action plan closed.
CLIMATE			
3. Conduct sessions for faculty to a) gauge their trust in the system for students to report incidents, and b) obtain their view of barriers to report student incidents of sexual assault or sexual harassment.			The Sexual Assault Response Coordinator (SARC) described meeting with faculty to discuss their trust in the reporting system and their perceptions of barriers to reporting. Some faculty also participated in USMMA's biennial focus group sessions in May 2015, which covered these topics.
4. Conduct an organizational climate assessment for faculty and staff.			The Defense Equal Opportunity Management Institute conducted a Federal Organizational Climate Survey for USMMA.
INCIDENT REPORTING			
5. Conduct quarterly small-group sessions to midshipmen to gauge improvement in the reporting system.		No basis to assess	A USMMA official said she conducted regular, but perhaps not quarterly, small-group sessions with midshipmen as an "organic" part of the program. However, these sessions were not documented, so it is not clear that these sessions specifically gauged improvement in the reporting system.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
6. Develop an SOP for criminal investigations of sexual assault.		<i>Not applicable</i>	USMMA did not undertake this item after determining it was not needed because law enforcement agencies have jurisdiction over sexual assault cases. As such, we assessed this action item as "not applicable," rather than "completed."
7. Develop an SOP for restricted reports of sexual assault.			USMMA developed this SOP.
8. Develop an SOP for administrative investigation of sexual assaults.			USMMA developed this SOP.
9. Review and adjust current approaches for communicating key incident protocols to address midshipmen fears that punishment for an offense will be worse than reporting an assault.			USMMA drafted an amnesty statement to address this item. However, the statement was not finalized or implemented before the action plan closed.
10. Provide female midshipmen with a chance to voice individual concerns about reporting.			A USMMA official described several avenues where female midshipmen can voice concerns about reporting, including to the SARC and company officers, who have been trained to listen and take concerns to the SARC.
AT-SEA PROTOCOLS			
11. Collect sample sexual assault and sexual harassment policy statements from individual shipping companies, and use them to prepare midshipmen for the Sea Year experience.			USMMA reported that it collected policy statements from most of the shipping companies participating in its at-sea program and used them to train midshipmen for their at-sea experience.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
12. Conduct briefings with shipping companies on the possibility of midshipman-on-midshipman sexual harassment and sexual assault and the steps to respond to an incident in accordance with USMMA policies and procedures.			USMMA did not conduct briefings with shipping companies. One official considered completion of item 11 as also satisfying item 12. We do not agree with this, as item 11 was a distinctly different item.
13. Engage with maritime industry to solicit ideas and make recommendations for additional training or policy changes.			USMMA met with one maritime industry group to solicit ideas and make recommendations for training or policy changes with regard to at-sea protocols.
MIDSHIPMAN AND STAFF AWARENESS, PREVENTION, AND TRAINING			
14. Develop and utilize a quiz to gauge midshipmen retention of information.			USMMA quizzed midshipmen to assess retention of training information.
15. Provide scenario-based training/discussions facilitated by company officers, faculty, or selected staff members.			A USMMA official described engaging staff to build training into other classes, such as ethics and leadership, but did not provide any examples of training or discussions actually occurring.
16. Have faculty or staff members lead off before training with an introduction of the topic and why it is important.			USMMA had staff and faculty members lead off some training events.
17. Provide training (identification of incidents, intervention strategies and reporting procedures) to faculty in small groups by academic department.			USMMA provided some informal training to all departments; however, it has not implemented focused formal training.
18. Provide training (identification of incidents, intervention strategies and reporting procedures) to company officers.			Officers received formal training (see item 37). In addition, the SARC reported she met with company officers once or twice a month to identify incidents and review intervention strategies and reporting procedures.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
19. Conduct small-group training sessions to midshipmen to increase interaction and discussion.			USMMA provided a schedule that showed this training had been completed.
20. Enhance awareness of sexist behavior discussion.			Based on the plan of action described in the 2011–2012 report to Congress, which formed the basis for the 2014–2015 action plan, this item was intended to occur in small-group training for faculty. USMMA provided no evidence that this training occurred.
21. Enhance awareness of crude/offensive behaviors discussions.			Based on the plan of action described in the 2011–2012 report to Congress, which formed the basis for the 2014–2015 action plan, this item was intended to occur in small-group training for faculty. USMMA provided no evidence that this training occurred.
22. Provide awareness of unwanted sexual attention discussions.			Carried over to the next action plan; affected by the lack of a Civil Rights Director.
23. Provide training on preventing domestic violence, partner abuse, and stalking.			Occurred through "Green DOT" strategy ¹⁴ and indoctrination sessions.
24. Enhance alcohol awareness training.			USMMA described several enhancements to its alcohol awareness training, including providing training by medical professionals and events, such as drunk driving simulators.

¹⁴The Green Dot program teaches students to identify developing situations that could possibly lead to sexual assault and trains them to employ techniques, such as diversion or distraction, in order to separate a potential perpetrator and victim.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
25. Meet with female midshipmen to ascertain why they feel sexual harassment and sexual assault training is ineffective.			A USMMA official indicated meetings were not held for this particular purpose. Although the topic was covered in other forums, such as focus groups, these were mixed-gender groups and did not meet the intent of this action item.
26. Provide sensitivity training to all Academy personnel.			A USMMA official said some training was provided on this topic, and some was not completed.
SUPPORT NETWORK AND INTERVENTION			
27. In coordination with the Midshipmen Council, provide after-class recreational opportunities and local area exploration trips for midshipmen.			USMMA hired a Student Activities Director in July 2015, who provided dozens of activities for USMMA students.
28. Schedule five intramural activities per trimester.			USMMA hired an Athletics Director in 2015, who has scheduled more than the required five intramural activities per trimester.
PROGRAM EFFECTIVENESS ASSESSMENTS			
29. Develop and administer a sexual harassment and sexual assault prevention survey to faculty and staff.			USMMA conducted an online sexual harassment and sexual assault prevention survey of its faculty and staff beginning on June 30, 2014.
GENDER DIVERSITY			
30. Increase the gender diversity of incoming classes; increase funding as necessary to achieve the desired goals.			Based on USMMA-provided data, the Academy has increased the percentage of women in incoming classes over the past 5 years.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
31. Increase the gender diversity of faculty, coaches, and staff.		<i>No basis to assess</i>	While USMMA hired at least one female staff member in a position formerly held by a male (the SARC) over the action plan period, we were informed USMMA does not track information on its faculty, coach, and staff gender diversity. Without such data, USMMA cannot reliably report that it has increased gender diversity.
FOCUS GROUP RECOMMENDATIONS			
32. Engage returning Sea Year midshipmen and reintegrate into Academy life and professional environment.			To engage and reintegrate returning Sea Year midshipmen, USMMA had the Commandant address returning midshipmen, host "Back from Sea" Dinners and start "Sea Story Sunday."
33. Conduct a vulnerability assessment and recommend adjustments to reduce risk.			USMMA satisfied this action item with a 2012 assessment and made progress under this action plan to address deficiencies identified in that assessment.
34. Review and adjust team movement safety guidance requirements.			USMMA reviewed its team movement safety guidance requirements but did not revise the related policy prior to closing the action plan. Therefore, we consider this item incomplete.
35. Review and adjust Sea Year brief with more emphasis on reporting avenues.			USMMA reviewed and adjusted its Sea Year briefing to add more participation by the SARC, who provided training on reporting avenues.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
36. Highlight medical clinic services to increase trust and usage: (1) conduct a patient-satisfaction survey, (2) conduct a survey on student's view of the Department of Health Services (DHS), (3) begin weekly "Did You Know" informational messages, (4) manage PII and PHI. ¹⁵			USMMA Health Services conducted a patient-satisfaction and student-views survey in September 2014 and described conducting weekly Health Insurance Portability and Accountability Act ¹⁶ training and quarterly knowledge checks with Health Services staff.
37. Provide focused training to company officers.			USMMA provided a training schedule that showed this training had been completed.
38. Explore additional confidential reporting options.			USMMA increased confidential reporting options by developing a new memorandum of understanding with a local Safe Center and training staff to take confidential reports.
39. Evaluate computer-based training for effectiveness.			A USMMA official reported the Academy stopped computer-based training and is evaluating a mixed-media training approach.
40. Confer with other service academies and universities to obtain best practices in prevention strategy.			According to a USMMA official, she met with SARCs from the Naval Academy, U.S. Coast Guard Academy, and West Point and attended a conference that provided related information.
41. Explore bringing in survivors of sexual assault as professional speakers.			According to a USMMA official, the Academy once brought in such a speaker, and it did not go well. As a result, the practice was discontinued.

¹⁵ PII is personally identifiable information. PHI is protected health information

¹⁶ Pub. L. No. 104-191 (Aug. 21, 1996).

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
PRIOR YEAR CARRY OVER ITEMS			
42. Convene focus groups for midshipmen.	●	●	DMDC conducted USMMA's biennial focus group sessions in May 2015.
43. Review outreach and recruitment.	●	●	USMMA reviewed its outreach and recruitment in creating its recruitment plan (see item 44).
44. Plan to increase diversity of student body.	●	●	USMMA provided a recruitment plan to increase diversity. USMMA also hired a Diversity Recruitment Specialist in July 2015.

Senator COLLINS. Thank you very much for your testimony and the work that you have been doing on this very important issue.

Admiral Helis, one of the very disturbing aspects of this problem is that I am not seeing an improvement in the statistics.

Here we have the survey on sexual assault and sexual harassment that 87 percent of cadets took, more than 90 percent of the females, and we find that 60 percent of the women and 9 percent of the men who took the survey reported having been sexually harassed. Twenty percent of the women and 1 percent of the men who took the survey reported having been sexually assaulted.

Those numbers are so high when you look at comparisons with other schools, and the number of reports that have been filed are even more discouraging. We have seen in some schools an actual increase in reports, which is a result not of an increase in sexual assault and harassment but rather people feeling that they will be listened to if they come forward.

So why do you think that you are having such a difficult time in changing the culture and instilling confidence in the midshipmen, that they will be taken seriously if they come forward? And what are you doing to implement the recommendations that the inspector general reports are still not in place?

Admiral HELIS. Thank you for the question, Senator. That is the problem that troubles all of us who are trying to deal with this, that in spite of the efforts that we have taken in the last almost 5 years, we have not seen any appreciable change in the numbers for both sexual assault and sexual harassment. Although the reporting is slightly up from 2011 and 2012, where there were no reports, the level of reporting are unacceptably low. And as you said in your opening statement, it is particularly troubling that midshipmen are not coming forward with unrestricted reports, which allow us to investigate these cases and hold the perpetrators accountable. That is a core issue that we are trying to confront.

Again, it comes down to changes that we have to make in the academy's culture. I think among the barriers that we are dealing with, and these were affirmed in the cultural study done last year,

there is, to a large degree, a degree of denial that there actually is a problem on campus. There is a tendency to engage in victim-blaming. Again, part of the culture is this is a difficult place and you just hang in there and you push forward. In some cases, this translates into, "I just have to put up with this and push forward."

And what we are trying to educate midshipmen is: Yes, you go to sea. Okay, you may have to pull extremely long hours. You have to deal with being away from family. You have significant challenges and work. Those are the things that you have to work through. But you do not have to work through and tolerate being harassed and abused. And we are trying to push through and overcome that issue.

Again, as identified in the LMI study, there is an unwillingness to intervene or to hold others accountable. There is, in a sense, a lack of personal ownership for the issue.

And again, to address it, this is going to come down to, we are simply going to have to redouble our education and awareness efforts that we pursue on campus. The Sea Year stand-down and the steps we have taken since then have certainly increased the level of attention on this issue, the amount of conversations. A positive sign is that we had midshipmen eager to step forward to participate in the cultural campaign planning process. I am beginning to see greater ownership on their part.

A larger long-term issue, one is changing the demographics of the academy. In 2012, we were about 13 percent women. Today, we are just under 19 percent. The last three classes that we admitted over the last 3 years sequentially had record percentages of women for the academy. And that is going to be a key to changing the culture, is changing the demographics.

But again, Senator, at core, the problem is how do you create the atmosphere where midshipmen are comfortable coming forward, reporting, not only comfortable that we will hold people accountable but there is also an issue that they will not be ostracized by their peers for the sense of, "You are just getting somebody in trouble and you need to tough it out." That is an attitude that we just have to persistently try to stamp out at the academy.

It is not a good answer. It is not a good answer, but that is the reality of what we are dealing with. And we are just going to have to continue to persist and, when we do receive reports, aggressively pursue them and hold perpetrators accountable in a way that clearly reinforces the message that leadership is, in fact, committed to this issue.

Senator COLLINS. I will be coming back to some of those issues in the second round and asking the inspector general, with whom Senator Murray and I met in 2014 when he first issued his report, what his assessment is of that.

Senator Reed.

Senator REED. Thank you very much, Senator Collins.

Admiral, given your experience in so many different ways, I do not doubt your sincerity in trying to change the culture, but the culture seems to be a real complicated morass.

For example, as I understand it, if there is an incident aboard a ship at sea, the Coast Guard has jurisdiction, but the Coast Guard is not particularly adept at investigating sexual assault

claims. They usually will call, particularly if it is a foreign port, the FBI attache, who that is probably not at the top of his list, et cetera.

So it leads to the question of, how do you prepare, particularly all midshipmen, particularly female midshipmen, for their Sea Year, in terms of clear guidance about who to report to or what their rights are? Because I also understand that policies change ship to ship, literally. Some ships have one approach. So can you give us an idea of how you are dealing with that?

Admiral HELIS. Thank you, Senator. You are correct.

The structural complexities that you addressed in terms of jurisdictional authorities over Sea Year, over issues at the academy, it is, as you said, it is complex.

How do we prepare midshipmen? In general, we have a series of lectures and seminars to prepare the midshipmen to go to sea, which covers all the aspects of safety and the working environment. We do address sexual assault and sexual harassment.

We bring in recent graduates from the academy who will sit and meet with midshipmen, particularly focused on women coming in to meet with women to talk about the challenges they will face when they first go out into what is still a male-dominated industry, male-dominated crews, where the only women aboard might, in fact, be the midshipmen who are assigned to the ship for training.

We are also clear in terms of providing midshipmen the reporting contacts. We provide them a range of contacts. It is basically however you can get in touch with us. They can contact the sexual assault response coordinator or the Sexual Assault Prevention and Response Office (SAPRO). They can contact any of the academy's faculty and staff who are trained and designated as victim advocates. They can reach out to the Department of Professional Development and Career Services who manages the Sea Year program.

In terms of on the ship, part of the Shipboard Climate Compliance Team has been establishing best practices to make the practices more uniform across the industry. Each midshipman is now assigned an officer on the ship who is specifically designated as a mentor. They are told that is a potential reporting source, somebody who is there to look out for your welfare.

They can report it through the ship's chain of command to the ship's captain. Companies have what they refer to as a designated person ashore who is an employee who is ashore who is there to deal with crew issues that the crew can directly contact.

So we provide them this entire range of reporting sources. And it becomes to whom do you feel comfortable, confident reporting it?

The preferred is to immediately report it to the chain of command on the ship because the incident is there, particularly if you are in a harassment situation, to get the chain of command to address the situation right there aboard ship.

Do policies change ship to ship? Again, part of what the SCCT has been doing is reviewing company policies, trying to provide a standardization of best practices across industry.

I would say, in general, it is report to your chain of command on the ship. That is the first preference, so they can deal within the company. That company's next point of contact would be the designated person ashore.

Again, as I said, for midshipmen, they have multiple avenues for reporting to the academy.

Senator REED. One avenue they do not have is legal counsel.

Are you the only admiral ever to graduate from West Point?

Admiral HELIS. Sir, probably. I know I am the only one in my class.

Senator REED. Okay. There are oddities in many institutions, including the Senate. That is a very inside joke.

Army officer, lieutenant commander, if someone had a problem, they have a right to legal counsel who is trained as an advocate and also had the kind of skills that most attorneys have in terms of trying to figure out exactly how to help the person calling them. They do not have that option. Shouldn't they have that option?

Admiral HELIS. Senator, we do not currently have the special victim counsels that victims have in the Department of Defense. We are looking now to create a special victim advocate position. It is going to require hiring an additional attorney at the academy to fulfill those duties.

We are in the process now of creating a position description and developing what the responsibilities and policies would be for that person in that position. And our intent is to move forward with bringing in that kind of resource and making it available.

Senator REED. I think it would make great sense.

My time is over, but a quick response, is there a way to hold a ship's captain accountable? Because my limited knowledge of the Navy is that everything that happens on board a ship is ultimately the responsibility of that captain. And if an incident takes place and it is not successfully dealt with, or a climate is created where those incidents are sort of shrugged off, are we able to go in and say to that individual or to that company, you have a problem with us?

Admiral HELIS. To start, Senator, ultimately, the captain of the ship is responsible. Part of the shipboard compliance process is ensuring that companies make clear to the ships' captains that they are responsible in particular for the safety and welfare of midshipmen and issues of sexual harassment and sexual assault. That is part of the company approach and highlighting it.

If we do discover that we are receiving from midshipmen in back briefs when they return to campus that there are particular problems in a ship or with a particular ship's officer, we would be reporting that back to the company, that here are reports that we are receiving. And we would have the option to just simply say we are not going to assign midshipmen. If there is a pattern of behavior, a lack of enforcement, we could terminate assigning midshipmen to that captain's assignment.

Senator REED. Is that a credible sanction? Or is it sort of saying thank you very much.

Admiral HELIS. I am not sure to the degree it would be seen by the company as a sanction. It is up to the company to sanction the ship's captains.

Senator REED. Okay. I would like in another round, Mr. Szabat, if you like to comment in the second round. I have gone over, but I will recognize you first.

Senator COLLINS. Senator Capito.

Senator CAPITO. Thank you, Madam Chair.

Thank you all for being here. I would like to add my voice to the many that you have heard in the past and today who have deep concerns, obviously, about the actions and the accusations of sexual harassment at the academy, particularly during that Sea Year program that we have been talking about.

Admiral, I would like to ask you, what do you do, in the protocols that you have developed, what has been done to ensure confidentiality for those who have been victimized? And how does that reflect differently in patterns of the past?

Admiral HELIS. Senator, thank you for the question.

One of the first things that we established in 2012 was a new policy, a more comprehensive policy in addressing sexual assault and sexual harassment. We included in that policy the options for midshipmen to file restricted and unrestricted reports modeled off of the policy in the Department of Defense.

There are reporting sources who are designated in the policy, and midshipmen are educated as to whom they can file an unrestricted report—a response coordinator, a victim advocate, health services chaplain. And so when a restricted report is filed, I do not even know who the victim is, who the accused is. I am simply told we have received a restricted report, here is some very broad—it occurred on campus or off campus. The victim is female or male.

And the only questioning that I am going to do for the Sexual Assault Response and Consultation Team (SARC) when I report is, what are we doing for care for the victim? And that is really the focus.

So if a restricted report comes in, we definitely do protect the confidentiality of the victim.

In the event of an unrestricted report, we still take the best steps we can to protect the confidentiality of the victim during the investigative process. The people who are aware that there is an unrestricted report that is being investigated is a very narrow circle. And again, for the criminal investigations, it falls under Inspector General Scovel's personnel, and they are quite professional at maintaining a very low profile for their investigations, for their presence on campus.

Ultimately, a challenge we face is that we are a small community. It is a small campus. But the policies and procedures for investigation and for adjudication, we do everything we can to protect the victim's confidentiality.

Senator CAPITO. Do you have any feedback from students as to if they feel the confidentiality wall that is the option, if they choose that, is sufficient? I mean, do they feel like they are being adequately protected there?

Admiral HELIS. Senator, I think on restricted reports it is. We have seen an increase in restricted reports this year over the past, so they are coming in and reporting, so that they can get the services and assistance that they need.

But, again, the surveys indicate that there are concerns, that midshipmen are concerned about the protection of their confidentiality in the process.

Senator CAPITO. Right.

Admiral HELIS. And again, I think the largest challenge we face to that is if you issue a protective order and move a midshipman from one barracks to another to separate the victim, again, we are very small campus, both in numbers and physical size, so everybody is going to know that this person was moved and it does not just happen overnight.

Senator CAPITO. Do you have the same issues that the military does in terms of potential for retaliatory measures? Is that something that you take into account when you are reviewing this?

Admiral HELIS. Yes, Senator. We do. We explicitly talk about retaliation as being totally unacceptable conduct. Again, it is one of the shifts we have to make in the culture, from victim-blaming to victim-supporting.

The most common form that we have seen in retaliation is simple ostracism, and that is what midshipmen tell me. That is what midshipmen who have come forward on reports, both for assault and harassment, report, is there is an ostracism because you put one of your classmates at risk.

Senator CAPITO. Right.

Admiral HELIS. There is a failure to identify that this person—who the victim is in the situation.

Senator CAPITO. Let me ask a final question.

You mentioned the women at the academy now are 19 percent up from 13, I think you said, percent over last several years. Obviously, there have been some very public incidents that have occurred. I guess I would not say I am surprised. I know you obviously put more emphasis in recruitment. But have you noticed over the last 3 or 4 years, when this has all come to light, that there has been a dip in your applications or interest in the academy?

Admiral HELIS. No, Senator. Again, part of changing the culture, clearly, we recognized in 2012 that we had to change the demographics, that we had to push the number up. And so we redoubled our efforts in terms of recruitment of women. So the applicant pools have remained strong.

Anecdotally, in the last couple weeks, I had the opportunity to meet with some recruits at the request of a couple of our athletics coaches. I met with these applicants and their parents in my office. We had some very frank and candid discussions. They were all fully aware of the challenges we had faced. They could actually sit there and cite things from the LMI report, our most recent report to Congress. And they have come back and said they are still interested and they are still committed to coming to the Merchant Marine Academy.

I think in terms of addressing individual recruits and addressing their parents, it becomes, okay, yes, we have challenges. We have problems. But we are upfront about them. We talk about them. We are not going to hide them. And we are taking serious steps over a sustained period to try to address them. And I think that builds the confidence in the parents.

So, anecdotally, I would say that we are still there. And again, 3 years in a row, we hit record numbers for women.

I do not think we will get there this year. I do not think we will go a fourth year in setting a record. I would not be surprised to see a dip in the percentage of women in this summer's class. But,

again, we are going to continue to redouble our efforts and continue to focus on increasing the population of women.

Senator CAPITO. Thank you.

Senator COLLINS. Senator Manchin.

Senator MANCHIN. Thank you, Madam Chairman.

To all three of you, I do not know if you realize what we as Senators, the responsibility we take as far as nominating these young people. We go through an extensive process. I personally have a panel of people who have experience in this. They basically go through and nominate the best of the best, pick the 10 top, and then we make recommendations.

Going through this process, especially when they are selected, the families get extremely, extremely excited about this opportunity. I usually make a phone call and tell them they have an opportunity of a lifetime to make a difference in their country, make us all proud in the State of West Virginia, in service to their country. And then to see the reports we are seeing, it is unacceptable, truly unacceptable.

And, Admiral, here, the LMI report that you reported, it says that since you have taken over your role, a recurring issue that emerged during your interviews was a lack of effective communication from leadership. While several commented that the superintendent has used town halls and emails to disseminate information, feedback revealed that this type of communication still has been largely ineffective. Now, this has been since you have taken over.

In my experience, communication is a lot more effective when there is a trust-based relationship face-to-face.

So I would ask you, what have you done and how are you working to build these relationships in a different approach?

Admiral HELIS. Senator, we are appreciative of the young men and women that all the members nominate and send to us. We are very aware of our responsibility to them and to their parents and to their families for their care and well-being over the course of the 4 years. And the results that we see are——

Senator MANCHIN. Admiral, have you changed your approach as to how you communicate?

Admiral HELIS. Senator, I meet twice a week now with small groups of midshipmen——

Senator MANCHIN. Okay.

Admiral HELIS [continuing]. As encounters. Those are essentially open sessions. I will give them a quick, “Here is what is going on in the superintendent’s office this week,” and then it becomes an open session and dialogue.

Senator MANCHIN. Let me say this. The LMI report also mentioned that the midshipmen alumni that shared in this report, that they were warned during plebe indoctrination that if they go to the on-campus health clinic, they could be medically disqualified. That includes victims of sexual assault. So they are not going to come forward.

This is a horrific environment.

Admiral HELIS. Senator, we have to address that.

Senator MANCHIN. Either of the other two, do you have anything to say about that?

Mr. SCOVEL. Good morning, Senator.

Let me back up to your other point, your first point having to do with building a culture of trust by means of consistent and clear communication from leadership. We do know, from looking at the academy's culture change action plan, that a number of discrete items are aimed to achieve that.

My office now has a statutory mandate to examine that culture change action plan. We will look at those points very closely. We will try to answer your question and address your concern about that because it is going to be absolutely essential, if culture is to change, that leadership get out front and also that leadership prioritize the 50-plus items on this culture change action plan.

One of our concerns in looking at it is that there is currently no plan built into it for a prioritization of risk.

Senator MANCHIN. Let me ask this question. Do you all know your dropout rate? What is your dropout rate?

Admiral HELIS. Sir, the graduation rate for 2016 was 84 percent.

Senator MANCHIN. So you are saying you have a 16 percent dropout rate.

Admiral HELIS. That is correct, Senator.

Senator MANCHIN. The size of your academy is what? About 930?

Admiral HELIS. Sir, presently, we have 879 midshipmen aboard. We had decreased enrollments for the class of 2017–2018 because of barracks renovation.

Senator MANCHIN. What is your capacity?

Admiral HELIS. Our normal capacity would be we would bring in about 280 a year, which we are back up to. So we expect the number to get back up to just over 1,000 next year.

Senator MANCHIN. Okay. I know West Point is 4,300. The Naval Academy is about 4,600. The Air Force is about 4,000.

Is your campus not large enough to handle more or basically you are not geared to handle more or people do not want to come?

Admiral HELIS. Senator, we do not have the space for much more than about 1,000 to 1,100 in terms of housing, meals, classrooms, faculty. That is the—

Senator MANCHIN. I would say, really, with a smaller campus like that, you all should handle—I mean, to have the horrific problems you are having with sexual assaults, and then not even an atmosphere where they feel like they can go anywhere and report and get any type of treatment, and I would say their only resolve would be to leave. Since they do not want to get a blemish on their record, they are going to have to leave you all.

And then they go and have to report why they would leave, if they want to get somewhere else in the educational system.

It makes it extremely horrific on this family, especially when you think about how excited they were to come to you, to get that opportunity and then to end up that way. I just have no explanation to the families that go through this horrific experience. I am just sorry for it.

Senator COLLINS. Thank you.

Senator Hoeven.

Senator HOEVEN. Chairman Collins, Ranking Member Reed, and members of the committee, I want to thank both the chairman and

vice chairman for calling this very important hearing to discuss this issue.

Admiral, clearly, sexual assault and sexual harassment of any kind are completely unacceptable and obviously have no place in an institution of higher education or anywhere else in our society.

You outlined in your testimony a number of approaches that you are implementing to eliminate sexual assault and harassment at the U.S. Merchant Marine.

Particularly in listening to the Senator from West Virginia's questions and comments, how do you feel your efforts are progressing? Assess the progress that you are making and specifically where you need to improve and how you can improve.

Admiral HELIS. Senator, the bottom line and assessment is the frequency of sexual assault and sexual harassment, and that number is not moving, so we are not making progress there. That is the bottom line to this. It has to be result-oriented.

In terms of how we are moving forward, to go back historically, we started off in 2012 trying to build a program modeled off of the other Federal service academies in terms of reporting procedures, trainings provided, and so on. And we anticipated that those procedures would begin to see movement in the needle, an increase in reports and a reduction in incidents. We did not see that occurring.

At that point, we had to ask ourselves the question, okay, why is it that steps that have yielded success at the other academies are not yielding the same results here? What is different? And our analysis and that of others is that the main difference in our program is the Sea Year, where the midshipmen are away for campus for half of their second and third years, a total of a year.

And then it becomes a question of, okay, how does that, in turn, influence what goes on on campus, what occurs on campus? And we can cite again from our advisory board, from the Middle States Commission, from the LMI study, and from our own encounters with midshipmen in discussions that Sea Year has an effect on midshipmen when they come back to campus. They are exposed in some cases to behaviors and values that are contrary to what occurs at the academy, and those trickle back to the academy and feed the culture of the institution.

That is something that we came to recognize in 2016. That ultimately led to the stand-down from Sea Year on commercial vessels, the formation of the Shipboard Climate Compliance Team, the establishment of first the increasing of awareness within the industry of the issue and establishing best practices to improve the climate and the atmosphere at sea with the belief that if that is in fact, one, contributing to the problem, and it is one thing that we have not been addressing, that will, again, start to move the needle.

One thing that we can say that is positive besides specifically addressing the Sea Year is that the Sea Year stand-down has increased the attention and awareness of the issue across the academy and across the industry.

Again, those, we feel, are going to have a positive effect in the future.

Senator HOEVEN. Talk about the support you provide victims once a sexual assault or harassment has been identified.

Admiral HELIS. Senator, for a sexual assault victim, once the report has been filed with the victim advocate, part of the process is for the victim advocate to assess where the victim is, to make sure the victim is fully aware of all the resources that are available, to provide the victim not just access but what we refer to as a warm handoff, actually taking the person to the resources that they need available, whether it is health services, whether it is counseling, whether we need to effect a relocation or a no-contact order between the victim and the assailant.

Again, all of these are laid out for the victim, and it is the responsibility of the victim advocate for, again, what we refer to as a warm handoff, not, "Well, this is the office you go to or the number you call," but actually taking the victim to where the victim needs to go to receive the appropriate support services.

Senator HOEVEN. And then you have follow-up procedures to make sure that that is getting done and they are getting the help that they need?

Admiral HELIS. Yes, sir. The particular victim advocate who is managing the case has responsibility to follow up routinely with midshipmen, with the victims. I routinely check with the sexual assault office and say, okay, what about the victim?

And again, for a restricted report, we will have some shorthand we will use to refer to how is this victim doing, have you been in contact?

So we do routinely—I do routinely follow up with the victim advocates on their progress on the cases.

Senator COLLINS. Thank you, Senator.

Senator Murphy.

Senator MURPHY. Thank you, Madam Chairman.

Thank you all for being here today. A lot of my questions have been covered, so maybe we can drill down a little more specifically on a few more.

We have been talking about the attitude of staff, so I maybe want to put a finer point on it. The 2016 LMI report found that the academy staff was "not able to speak with one voice on this issue." And it cited claims by faculty that this really was not an issue on campus or that it simply was not their job to address it.

So understanding all the progress you still have to make, can you report, at the very least—I would be interested to hear your thoughts as well, Mr. Scovel—that there is unanimity among staff today that, A, this is a problem; and, B, that it is everyone's responsibility on campus to play a part in solving it?

Admiral HELIS. Senator, I appreciate the question.

Again, one of the key barriers we have that we have to address with this is that simple denial that there is a problem. I cannot believe that we have not expressed from the top down, from former Secretary Foxx on down, the clarity, with any greater clarity, that this is a problem, that it is unacceptable, that there are no bystanders in this, that everybody has a role to play in addressing the problem in terms of not just sexual assault and sexual harassment but the overall climate that creates the environment in which these crimes occur.

So in my mind, there is no doubt that we have absolutely, clearly communicated this from the top down at all levels in repeated fora.

Senator MURPHY. Mr. Scovel.

Mr. SCOVEL. Thank you, sir.

I have direct anecdotal evidence to support the statement in the LMI study that you quoted earlier.

As you know, we have had audit teams on campus several times. And in reviewing our requirements to complete our latest report, we contacted officials all across the campus. And specifically in the Office of Shipboard Training, our audit team was told by an official there that perhaps women just need to toughen up. That certainly got their attention. They brought it to my attention as we were preparing for this hearing.

There certainly is not unanimity on the campus, certainly on the staff. I cannot speak to the faculty with direct evidence that I just cited before.

But that is going to be a challenge for the academy leadership and for MARAD as they attempt to change a culture.

They need to get attention. They need to prioritize actions. And they need to demonstrate accountability. The accountability piece has been not sufficiently addressed or perhaps even not addressed at all in terms of changing the culture.

Senator MURPHY. Admiral, some people's minds can be changed. Some people's attitudes can be adjusted. But others cannot. These are mature adults who have formed opinions that sometimes cannot be transformed.

So would you agree that to the extent that this attitude remains among certain faculty or staff, that they should no longer be employees of the academy?

Admiral HELIS. Senator, I think we have to look at the behaviors of the staff and the faculty. Are they no longer tolerating sexist climates in the classroom, as an example? Are they no longer going to make remarks as were made to the inspector general 2 years ago?

You know, it is a clear case where everybody clearly does have to get on board with this problem. Again, we are communicating it up and down.

The Middle States accreditation report, for no other reason to address—this issue is so serious that every outside agency that has looked at it, the IG, not a complete outside agency, it is part of the department, but our advisory board, the Middle States accreditation team, all of this accumulation of evidence that occurred in 2016, it becomes, look, if we do not address this problem, we are at risk of losing accreditation, okay, which is basically we are at risk of being put out of business by our accreditors.

So I think everybody is understanding that this is a serious issue that they have to address. They may disagree with our assessment. They may disagree with the numbers. There have certainly been countering voices that have said we are doing too much. We are overemphasizing the problem.

My focus is going to be on these as steps that we as an institution need to take and expect every member to step up.

Senator MURPHY. Diversity of views is healthy on campuses, not with respect to sexual assaults, not with respect to a recognition that the problem exists.

So I know that it is difficult sometimes to get into the minds of people who have not yet exhibited behaviors. But this is a place in which diversity of opinion should not be acceptable. This is a place in which individuals who are not committed to being part of the solution likely do not deserve to remain on campus.

Could I ask one additional question?

Senator COLLINS. Certainly.

Senator MURPHY. Can you just talk about what steps are being taken with respect to the stand-down of Sea Year to make sure that students who need to get through that process in order to ultimately get their licensure are able to complete those requirements?

Admiral HELIS. Senator, that is something to which we were very attentive.

The people most immediately affected by the stand-down were going to be midshipmen who were going to, at least for immediate period of the stand-down, not be able to accumulate the days that they required for licensure. And so it became a priority to find ways to use Federal assets, which were approved, to ensure that midshipmen got their time at sea, a combination of Military Sealift Command and U.S. Navy vessels, training vessels, SOPs on training vessels, from the State maritime academies and the limited assets we have available at the academy.

I am highly confident that no midshipman who was affected by the stand-down is going to have his or her graduation delayed for a lack of sea days. Now they may not all complete all of their sea days within the normal two sailing periods, but that is not unusual.

We always have a few who, there may be a medical issue where they cannot get out to sea or we have to bring them back early. We have ways of making up sea days between the end of the sailing period and graduation. There are break periods where we can put them back out to sea. There are opportunities to put them out on weekends to collect the days in twos and threes.

And from reviewing the records of the first group that was affected, where I looked at every record with the director of ship-board training, we were confident that they are all going to make it through.

The second group just returned. We are still doing analysis of their records one by one.

But I remain confident that the steps that have been taken with the support from Maritime Administration in terms of making assets and resources available, that we will get everybody to graduation on time.

Senator MURPHY. Thank you.

Senator COLLINS. Thank you, Senator.

I am going to follow up with Mr. Szabat on the question that you just raised. In fact, when I agreed you could do an extra question, little did I guess it would be my next question. But I do have an additional question that I want to ask.

The suspension of the Sea Year was a drastic step for the academy to take and for Secretary Foxx to order, but in my view, it was justified, given the problems. I am very glad that it has resumed. I know that the academy went to great lengths to ensure there would not be a delay in graduation for students.

But my concern is, what are we doing? What is MARAD doing to make sure that the reforms that are in place truly are taking hold? It is my understanding that there are five vessel operators who have been approved now. What are you requiring of them? And how are you ensuring compliance?

Mr. SZABAT. Senator, thank you for the question.

There is a range of things. I will just highlight I think the most important, most significant actions that we are requiring from industry that they did not have to do before the Sea Year stand-down.

There is a formal Sea Year mentorship program. Admiral Helis referred to that. So they are actually assigned duties now and official responsibilities for mentors. Officers on board the ship know when the midshipmen are assigned, that it is their duty to work with them and what their responsibilities are working with them.

Each shipping company must issue an annual companywide message from a senior executive, so from the CEO, from the chairman of the company, expressing the company's policy of zero tolerance for sexual assault and sexual harassment.

The companies to us, to our Shipboard Climate Compliance Team, have to certify that they have sexual assault and sexual harassment training that meets our criteria, and then they also have to submit what that training is.

If I had to pick one thing that takes the most time for our SCCT teams to evaluate from the companies it is the submittal of what they are doing for training. A huge timesaver for us going forward is when the best practices are rolled out from the industry consortium that we are dealing with, so that any company, large or small, does not have to develop its own training program but knows that there is an industrywide standard for best practices and, as long as they meet that, that they will be in compliance with our standards.

But in addition to the reports that they are required to submit, at the end of every sailing period—remember, our midshipmen go out to sea for 4 months or 8 months at a time during their two major tours for commercial Sea Year—the company has to debrief the midshipmen and report those debriefings to us.

Separately, those midshipmen are debriefed also at the academy. So we are going to have ways to compare and contrast.

And the final way that we have, to your question, Senator Collins, about ensuring that they are actually meeting these standards is that we will have audits. We will actually be auditing the companies, auditing the crews.

There has been talk about sending people on unannounced visits on the ships, but the fact of the matter is it is really not a ship-by-ship issue because the crews and the officers change so often. This is company-by-company.

The primary thing that we are going to have to go off of will be the feedback we get from our own midshipmen about which crews are well-trained, which officers are problems, and which ones are not. We will be taking that seriously and working back with the companies.

Senator COLLINS. Thank you.

Mr. Scovel, I was struck when you testified that four cases of sexual assault that you referred to the Justice Department were all declined. Now, I realize there may be factual reasons why that happened, but I have to say, if I were in the position of a young midshipman who had been sexually assaulted and knew that they were going to face retribution by their peers or maybe by others at the academy, and that it was likely that nothing would happen to the perpetrator, I would not report.

And, indeed, I am wondering if that is part of the reason there is such a low level of making unrestricted reports that can lead to law enforcement action.

What are your thoughts on that?

Mr. SCOVEL. Thank you, Madam Chairman.

That, indeed, may be known among victims, and it may be a reason for low levels of reporting or no reporting at all.

To be clear, my office has a legal obligation, which we have executed in every single case, that when we have knowledge of criminal matters within the department, certainly at the Merchant Marine Academy, we will investigate those to the best of our ability, and we are required to present our findings to the Department of Justice for a prosecutive decision, and that is entirely up to them using their own standards.

Case-by-case, it did come down, essentially, to the facts in each case, to include one where the victim himself or herself withdrew her statement of complaint. So, given that, of course, no reasonable prosecutor could go forward.

Let me make a follow-on point to that, however. Notwithstanding whatever the Department of Justice may decide in each case, that is simply a judicial decision whether to prosecute. It does not bar the Merchant Marine Academy from investigating further or from taking action within their own administrative, non-judicial procedures against an alleged perpetrator.

Senator COLLINS. Is that happening? Are individuals, in your judgment, being held accountable, disciplined, kicked out of the academy? Is action taken?

Mr. SCOVEL. We do know one case that was declined for prosecution where the academy did take steps to dis-enroll and, in fact, disenrolled the offender. So, certainly, that is done.

There are significant legal questions, which the academy and its counsel have to confront when they decide to go down the administrative route after a judicial declination of prosecution. The standard of proof or the burden of proof, whether it is to be—this is legal talk, of course—at the probable cause level or the clear and convincing level, that is a matter of much discussion in government and across campuses these days.

The Department of Education and the administration both past and present have weighed in with different views on it. The academy's lawyers will have to develop their position, and I would recommend strongly that they do that in advance, knowing that these matters will continue. In other words, cases may be declined for prosecution. The ball will be back in the academy's court. That is not the time to decide what our legal requirements should be. They should have pretty much a protocol so that they can decide how to handle those appropriate cases.

Admiral Helis may have information on other administrative actions that the academy has taken in another cases.

Senator COLLINS. Admiral Helis, why don't you comment also before I turn over to Senator Reed.

Admiral HELIS. Thank you, Senator.

I would say, first, that we have an outstanding working relationship with Inspector General Scovel's team. It is based in New York City. They are extraordinarily responsive. They are available to us 24/7. Whenever we pick up the phone on one of these issues, they are there. They are on campus.

Our director of public security participates in the investigation as an observer. That allows us to parallel the administrative track. When they have completed the investigation, there is a cooperative process, I would say, that allows us to receive the investigation, to take administrative action, but not such that, we have not gotten there yet, that we would compromise a potential criminal case.

But the cooperation is there. The two unrestricted reports that occurred in my tenure, in neither case were we able to get to a criminal prosecution. In both cases, I did take administrative action against the individuals, including, in one case, a disenrollment.

Senator COLLINS. Thank you.

Senator Reed.

Senator REED. Thank you very much.

Mr. Szabat, when I finished my question, we were turning to you about sanctions with respect to companies. You described to Senator Collins' question many of those.

The ultimate response would be, what is the most significant thing you can do in terms of a company that is noncompliant and have you done that yet?

Mr. SZABAT. Senator, thank you for the question and for following up on this important issue.

So as you pointed out in the discussion you had with Admiral Helis, within each company, within each ship, the captain is ultimately responsible. We do not have the legal authority, nor would we want to have the authority, to go after the captains of individual vessels. Our sanctions that we have are with the commercial companies themselves.

So, if you will, there are several bites at this apple, if we want to have levers or incentives to make sure that the companies and individuals, the senior leaders of the companies, are following both the letter and the spirit of what we are trying to accomplish here with addressing sexual violence, coercive behaviors, at sea.

So for us, if they do not meet the standards that they have signed up for, that they have volunteered and they have said these are the conditions that we are meeting, if we find that they are not meeting those standards, then we yank the company, the entire company from compliance.

So in this case, hypothetically, if a midshipman comes back and reports, "I had these problems with these crewmembers," and those reports are authenticated by investigations, and you talked about it could be the Coast Guard if it is done legally at sea, or it can be done by the companies, or we can do it internally once the midshipmen are back ashore, if we have any reason to believe that the

company is not taking these issues seriously, has not addressed an issue with an officer or members of their crew who have inappropriately treated one of our midshipman, then our sanction, and it is a sanction that we would exercise, it is to yank that company from the program.

And there are two issues with that. One is, of course—and these companies, not a single official of these companies was supportive of the Sea Year stand-down. They thought it was an overreaction. They did like the fact that we were doing it. But they all rallied around the idea that this was an opportunity for them to showcase what they are doing to address sexual assault and sexual harassment, and work cooperatively with us to do so.

So no one wants to be singled out. There is that shame factor in the industry, if we call them out.

Then secondly, the core group of the companies that participate in our program, these are companies in the Maritime Security Program. They get a \$3.5 million a year, now authorized to a \$5 million a year, per vessel subsidy, a stipend for participating in the program. They have to meet our standards to participate in that program.

So if a company were to be found in default of this and was part of the Maritime Security Program, they could see their participation in the Maritime Security Program jeopardized as well.

Senator REED. Thank you very much.

Let me just follow up with another question. We, I think appropriately, consider the Merchant Marine Academy on the same level as all of our other service academies, but an issue of filling these vacancies, particularly significant vacancies in the terms that we talked about, they are not on that same level. West Point, the Air Force Academy, Annapolis, they have all these positions filled. In fact, I think the superintendents would be raising holy cow if they were not.

Have you brought this issue to the Secretary and said that this is such a critical item that these positions have to be filled immediately?

Mr. SZABAT. If we can give you a split answer on that, let me first speak for the Maritime Administration and then Admiral Helis can talk about the positions on campus themselves.

But yes, not only has it been brought to the attention of Secretary Chao, but Secretary Chao has addressed that. We have already received exemptions from the hiring freeze for eight of our most critical positions at the academy, including all four of the sexual assault positions, keeping in mind this is building from a base of only a couple years ago we had one full-time sexual assault person. We are now four, and we are looking for, as Admiral Helis described earlier, a legal adviser as well.

So the Secretary is aware. She has taken action.

And, Admiral Heller, I am going to turn this over to you, but I do not know that it is fair to say that the other schools have not been affected by the hiring freeze.

Admiral HELIS. Sir, to what degree the other institutions have been affected.

Senator REED. Right.

Admiral HELIS. I can say that we have received exceptions. Of the four positions in the sexual assault program office, the senior coordinator has been filled since September by a mobilized Navy reservist who had been a company tactical officer for 2 years and then volunteered to stay a third year to get that office up and running. So she is aboard.

We have made an offer and an offer has been accepted for one of the two educator victim advocates with an onboard date coming up.

The second victim advocate position, we made an offer. It was not accepted. It is re-advertised.

The sexual assault program manager, the position had to be re-scoped to a supervisory position. That position is currently advertised.

Some other critical positions, the commandant's position, we are in the midst of interviews right now. I anticipate that we will be able to make a selection probably within the next 2 weeks.

The dean's position is advertised. It is open for application through the 14th of April. And I again anticipate that we will be able to make a selection by late spring or early summer.

So we have received exceptions on these critical positions that were tied to the sexual assault program, and we are moving forward as expeditiously as we can to fill them.

Senator REED. Let me ask another question, Admiral. That is that, in the 2016 cultural assessment, they noted that your lack of authority to hire and fire faculty members goes to the issue of accountability. Do you need specific statutory authority to provide you with the authority to hire and fire people? You can talk until you are blue in the face, but if they still have the job after that, that is all you are doing.

Admiral HELIS. Senator, that is true. Again, that issue of hiring authority was also raised by the Middle States Commission. The Maritime Administration has recently delegated to the academy, to the superintendent, the full authority over personnel actions dealing with faculty members. So I have a full hiring authority, and I also have full authority in terms of disciplinary matters in accordance with Federal law and regulations.

Senator REED. Right.

Just a final question, and that is, we have noticed—and this is not unique to the Merchant Marine Academy. This is a problem throughout the military, as you know, the retribution, retaliation, ostracism that goes on, et cetera.

Just one aspect of this you might comment upon is you have a midshipman chain of command.

Admiral HELIS. Yes, sir. We do.

Senator REED. Are you using that aggressively to counter what is usually kind of informal and sometimes even nonverbal sort of conduct or communication that leads to this type of ostracism or retaliation?

Admiral HELIS. Yes, sir. There is a holding that we expect accountability for the regimental chain of command, the midshipmen chain of command, basically for policing their own ranks in terms of those behaviors. We continue to put an increased emphasis on

it. If we were to sit the regimental commander or the executive officer down here, they would tell you the same.

Within the regimental staff, we have a regimental sexual assault victim advocate who supervises, essentially, a program within the regiment led by midshipmen. We have a human relations officer. I think West Point a couple of years ago they refer to a respect officer chain, again, which is a separate chain with the head residing in the regimental staff.

As Senator Collins noted, it is Sexual Assault Awareness Month. Most of the programming put together for this month was put together by the midshipmen, by the human relations officers, and the regimental victim advocate.

Another area where we have seen great student involvement is from the athletics department. I would credit our athletics director with stepping up on this issue. The athletics department is sponsoring the It's On Us challenge campaign on campus, which is ongoing this month.

So I would say midshipmen are beginning to step up. I think that the actions that we took over the last year to more clearly highlight the issues, particularly with the Sea Year stand-down, and with the LMI study, and with the findings from Middle States, it has not only increased awareness but I think that some midshipmen have found it empowering that they can step up.

We certainly are not there yet, but I can see progress over the last year.

Senator REED. Madam Chairman, you have been very kind.

One of the things, I think structural issues, problems, that you have is that, from the other service academies, when they deploy cadets for summer and midshipmen for summer training, they can do so so that individual females are not in environments with all men, basically. In fact, there is a conscious effort to do that.

I know when the first females were integrated into submarines, it was consciously done so that there would be four to six enlisted plus four officers, not onesies and twosies.

Can you do that in terms of the Sea Year, where these slots are one or two? Or do you consciously try to do that? Do you try to ensure that there are buddies, basically?

Admiral HELIS. Senator, when midshipmen deploy to sea, there are always at least two on a vessel, so they always have a buddy with them.

Senator REED. Okay.

Admiral HELIS. We do not prescribe that there is a specific it has to be two women or it has to be two men. It is essentially a preference, "Midshipman, who do you want? Do you have a sea partner?" Somebody that you know that you can trust, somebody from a team, somebody from a club, somebody from a class, from your hometown. But the first choice on sea partner is up to the two midshipmen of where we want to make this happen.

Senator REED. But you consciously do not—put individuals on a ship?

Admiral HELIS. We consciously do not—put one single individual on a ship. They all have a—we call it is sea partner. The Army—they have a battle buddy.

Senator REED. A battle buddy. I got it. Thank you.

Mr. Scovel, thank you for your great service in many different capacities. Thank you, sir.

Mr. SCOVEL. Thank you.

Senator REED. Thank you, Madam Chairman.

Senator COLLINS. Thank you, Senator Reed.

I just have a couple more questions before we adjourn.

Admiral, has the academy faced problems with online sexual harassment? I am thinking of the horrific situation that the Marine Corps recently uncovered where there was a Facebook group that shared and distributed images of naked women in the corps. And the fact that the group reached something like 30,000 individuals before an alarm was sounded tells us that there is a larger cultural problem that we are dealing with here.

But has this been a problem at the academy?

Admiral HELIS. Senator, I appreciate the opportunity to talk on this issue.

In my first couple years, we did have a couple incidents of what I would refer to as cyberbullying through use of Facebook. Yik Yak, the anonymous site, was particularly troublesome. Our then-commandant took a very aggressive approach to it. In some cases, he simply had the information technology department block Facebook and say: It is completely blocked. You are not going to get on Facebook for a couple days until this gets cleaned up, postings get taken down.

That seemed to have a positive effect. We are not aware—I am not aware of any incidents that have occurred recently. We do make clear—and part of the training we have added is responsibility and social media responsible conduct.

We are in the process of revising our harassment policy. It is a routine update this year, and we are going to be much more explicit in terms of conduct and behavior that is expected on social media.

So we have seen some of it but not to the levels that you refer to.

Senator COLLINS. Inspector General Scovel, my final question is for you.

Back in 2014, after you completed one of your first reports on this problem of sexual harassment and assault, the then-ranking member of this subcommittee, Patty Murray, and I met with you at length to go over your findings and your recommendations. So where are we today compared to where we were when we met in 2014?

Mr. SCOVEL. Some progress has been achieved, challenges remain, as every respectable inspector general would say, I think.

When I say progress, I mean the academy, the department, our office, the entire Congress, has now recognized that it is a culture problem at the Merchant Marine Academy. It is not simply a programmatic deficiency with regard to meeting statutory or regulatory requirements.

The academy, to its credit, in its 2015 action plan acknowledged that as its first priority it needed to confront a pervasive sexist culture on campus. Now it did not go on then to use the magic words of “so now we must embark on culture change,” but they did embed in its action plan a number of specific items that, had they been

completed, would have led them somewhat down the path to true culture change.

They have now confronted that. The LMI study as well as work of our office, the attention of this committee and others, has brought that squarely to their attention.

I wish I could say they have bottomed out. We will see. The ultimate test will be what the survey data reveal. There has been an increase, as you noted, in some reporting, increase in females and males who have reported encountering assault and harassment, and that is disturbing.

But encouraging, there has also been a minor increase in the number of actual reports, contemporaneous incident reports, which I see as a positive sign. That is a trend that I would hope to see continue. We will have to examine the next survey results to see how it goes.

If I may, when we talk about culture change, and the point I was making earlier in the hearing was an ambitious 50-plus point culture change action plan is most commendable. However, for a small institution like the academy with limited resources, prioritization of those actions will be absolutely essential. We are talking about a nautical setting, so if I use the term "this school cannot to boil the ocean," I think everybody will understand what I mean.

They will have to determine priorities among those action items, allocate resources and follow through with leadership at all levels in order to ensure success.

Senator COLLINS. Thank you.

Let me end the hearing by quoting from a recent press article that appeared in January that quoted a recent alumnus. And here is what she said that I find so disturbing. "There is just such a lack of respect for women there. Once we stepped through those gates, we were no longer human. We were just objects for them to conquer."

It is simply unacceptable that any midshipman would feel that way and would feel such a lack of respect. But here is what is even more alarming, according to this news story. This alumni's account of sexual harassment and unwanted advances was handed over to the alleged perpetrator by the response coordinator, if, in fact, this story is accurate.

So it seems to me that that summarizes the challenge that we have. And I believe that everyone sitting here before us is committed to that challenge.

But I want to remind everyone of what the inspector general said, and that is that there is still a third of the recommendations that have not been implemented, that a 50-point action plan may not be as effective as a 12-point action plan that everybody is committed to and works hard to achieve.

And I just do not want to be sitting here next year and the year after and reading reports with the same alarming statistics. We simply have to get a handle on this problem and move to a zero-tolerance environment.

ADDITIONAL COMMITTEE QUESTIONS

Senator COLLINS. Do you have any final comments? This hearing record will remain open until next Friday, April 14.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED TO HON. JOEL SZABAT

QUESTIONS SUBMITTED BY SENATOR STEVE DAINES

Question. Thank you for testifying on this very important subject. Every instance of sexual assault is horrific and the frequency with which it occurs in our society is abhorrent. Reports of sexual assault by civilian mariners on students assigned to commercial ships during their “Sea Year” illustrates that this problem is not unique to a military environment.

The Merchant Marine Academy is distinct amongst its sister academies because students effectively spend 3 years in a structured, military-style environment; and 1 year abroad in a commercial, maritime environment. While I am encouraged that you have taken decisive action to stop sexual assault on campus within your regimental program, I’m concerned that meaningful change across industry will take much longer.

The Merchant Marine Academy is distinct amongst its sister academies because students effectively spend 3 years in a structured, military-style environment; and 1 year abroad in a commercial, maritime environment. The Maritime Administration’s “Sea Year Eligibility Criteria” is a positive step to incentivize a culture shift within the maritime industry. From your perspective, what other opportunities exist to influence a culture shift across the entire U.S.-flag fleet through Congressional oversight or Executive action?

Answer. The Maritime Administration (MARAD) is committed to ongoing engagement with maritime industry and labor to address sexual assault, sexual harassment, and other coercive behaviors onboard U.S.-flag vessels. In June 2016, MARAD hosted a “Call-to-Action” meeting with more than 90 leaders from across the maritime industry to address concerns about the shipboard environment. In response, a consortium of fourteen maritime companies drove an effort to address issues that led to the U.S. Merchant Marine Academy (USMMA or Academy) Sea Year stand down. These companies offered a proposal at the Call-to-Action to address sexual assault and sexual harassment at sea. Based on this proposal and recommendations from a cultural audit conducted last Fall at the Academy, MARAD developed standards that each company must meet to be eligible to participate in Sea Year. As a result of this collaboration, MARAD, industry, and the unions have reviewed and revised their policies as necessary with the focus on ensuring the safety of crew, including Midshipmen. MARAD will continue this engagement with industry as we perform on-site audits with companies to ensure Sea Year eligibility requirements are being met. MARAD also will receive feedback from companies as we review the Sea Year eligibility requirements annually and modify policies and requirements as we learn more.

In addition, MARAD entered into an agreement with the Ship Operations Cooperative Program (SOCP) to develop computer-based assault prevention and response training designed for U.S.-flag vessel crewmembers. SOCP is a trade association made up of maritime industry professionals whose objective is to improve the safety, productivity, efficiency, security, and environmental performance of U.S. vessel operations. MARAD is also working with SOCP on “best practices” for maritime company management training this summer. These efforts will especially benefit smaller companies without the resources to develop robust programs of their own.

Finally, as required by the fiscal year 2017 National Defense Authorization Act (fiscal year 2017 NDAA), MARAD is chairing a working group of representatives from industry, labor, the State Maritime Academies, and the USMMA to recommend additional improvements in addressing sexual assault prevention and response. MARAD established this working group in January 2017 and members have begun their work. A report on the working group’s findings is due to Congress in September 2017.

QUESTIONS SUBMITTED BY SENATOR SENATOR PATTY MURRAY

Question. As my colleagues have already discussed, and as I outlined to Secretary Chao in a March 21st letter, I remain deeply concerned with the prevalence of sexual assault and sexual harassment at the U.S. Merchant Marine Academy (Academy). This is an issue the Academy has been trying to address for almost 10 years, but the most recently available Service Academy Gender Relations Survey still found 17.1 percent of women and 2 percent of men have experienced sexual assault

and 63 percent of women and 11 percent of men have experienced sexual harassment.

While I appreciate the actions taken to date by the U.S. Department of Transportation, Maritime Administration, and Academy to institute change, it's clear that problems of sexual violence continue. Executive Director Szabat, is the Maritime Administration committed to implementing the recommendations from the recently completed Culture Audit?

Answer. Yes. The contractor hired to do the audit, Logistics Management Institute (LMI), delivered its report in December 2016, identifying the root causes of improper behavior and recommending both short-term and long-term corrective actions to address these issues. MARAD and the Academy have already begun taking steps to implement the recommendations made in the report.

Question. What oversight are you conducting to ensure immediate and near-term actions in the Academy's Action Plan are completed?

Answer. MARAD is in continuous dialog with Academy leadership and throughout the Academy community to ensure that implementation takes place. Leadership from MARAD and the Academy have weekly meetings to monitor progress in implementing the Action Plan. In addition, the recently chartered Maritime Education and Training Executive Review Board (METERB) will provide oversight as policies are developed and resource needs are identified to fully implement the action plan. Its members are all senior executives within MARAD who answer to the Executive Director and oversee resources allocated for the operation and maintenance of the Academy. The METERB was established to provide governance, oversight strategic direction, and advocacy for the Academy. Its role is to make policy recommendations to the Maritime Administrator and provide strategic guidance to the Academy Superintendent.

Question. Further, what are you doing to ensure these initial steps are having the necessary and desired effect?

Answer. We will continue to assess the success of our programs through what we learn about Midshipmen experiences from surveys of Midshipmen, formal and informal focus groups, and listening sessions, and through tracking official of reports of sexual assault and harassment.

In addition, the Shipboard Climate Compliance Team (SCCT) receives continuous feedback from the companies to consider improvements. The SCCT criteria will be reviewed annually and on-site audits will be performed by MARAD and the Academy onboard vessels and with companies. In addition, the Academy will receive feedback from Midshipmen following their Sea Year so problems can be identified and improvements to the Sea Year experience can be made.

Question. Executive Director Szabat, I appreciate the efforts the Maritime Administration has taken with industry and labor to ensure midshipmen have a safe and supportive environment in which to learn during Sea Year. In your written testimony you outlined efforts by the Shipboard Climate Compliance Team to establish new requirements for companies to meet in order to participate in the Sea Year training program.

Can you discuss those requirements in more detail, including what best practices or guidelines the Maritime Administration provided to companies for use in their annual sexual assault and sexual harassment prevention training for crewmembers?

Answer. In June 2016, MARAD hosted a "Call-to-Action" meeting with more than 90 leaders from across the maritime industry to address concerns about the shipboard environment. In response, a consortium of fourteen maritime companies offered a proposal at the Call-to-Action to address sexual assault and sexual harassment at sea. Building on this effort, MARAD formed the SCCT to work with industry partners in establishing stringent new requirements companies must meet in order to participate in Sea Year. In addition to input from maritime industry and labor, MARAD hired a sexual assault and sexual harassment prevention and response subject matter expert to advise the effort.

MARAD also entered into an agreement with the SOCP to develop computer-based assault prevention and response training designed for U.S.-flag vessel crewmembers and is working with them to develop "best practices" for maritime company management training this summer. These efforts will especially benefit smaller companies without the resources to develop robust programs of their own.

To be eligible to participate in Sea Year, companies must meet the following requirements:

Company-Wide Zero Tolerance Message—Shipping company CEOs will issue an annual company-wide message outlining specific rules for the workplace, strongly stating that sexual assault and sexual harassment, including any retaliation based

on a complaint, are unacceptable, and committing the company to eradicate such behavior and enforcing a zero-tolerance policy.

Annual Sexual Assault and Sexual Harassment Prevention Training Requirement for Crew—Annual sexual assault and harassment prevention training will ensure that crewmembers clearly understand what constitutes sexual assault and sexual harassment, its negative impact, the importance of prevention, and the severe penalties for engaging in prohibited behavior or for failing to report an incident. All crewmembers will clearly understand their responsibility as supervisors, employees, witnesses, and bystanders. Crewmembers must complete this training prior to Midshipmen arriving on board, or within 72 hours of signing-on, if Midshipmen are already onboard the vessel.

Mentors with Enhanced Selection Criteria and Duties—Mentors for each ship play a crucial role in the success and development of cadets. Per enhanced mentor qualifications, a mentor must certify that he/she does not have any pending complaints or history of violations of any other company's Sexual Assault Sexual Harassment policies. The mentor must be of good character, and know, support, and advocate for the company's sexual assault sexual harassment prevention and response policies. Mentor duties include:

- Helping Midshipmen understand company shipboard policies and procedures, and their roles and responsibilities aboard the ship;
- Serving as a resource for Midshipmen while onboard;
- Being readily available to Midshipmen and seeking to understand each individual's concerns about their vessel assignment;
- Guiding the Midshipmen in understanding shipboard protocol, sexual assault and harassment prevention and response policies, and expected code of conduct;
- Supporting Midshipmen once they join the crew and helping them transition from their academic learning environment to the professional shipboard setting;
- Encouraging the development of a well-rounded mariner;
- Referring Midshipmen to other resources as needed, such as other crewmembers aboard the vessel, company employees, or Academy personnel; and
- Participating in prescribed sexual assault and harassment prevention and anti-discrimination training and serving as a reporting mechanism for complaints of sexual misconduct.

Verify Annual Sexual Assault and Sexual Assault Prevention and Response Training—Each company will provide MARAD documents describing company-specific training protocols; the company's anti-discrimination, harassment, retaliation and sexual misconduct policies, including complaint reporting policies and procedures; a description of the company's investigation process and enforcement procedures; and, a mechanism for verifying their understanding of the issue.

Zero-Tolerance Policy Regarding Romantic or Sexual Relationships—Companies will actively support the USMMA Sea Year Conduct policy for Midshipmen, which prohibits romantic or sexual relationships between Midshipmen and crewmembers, and the consumption of alcohol by Midshipmen under 21 years old. Companies will immediately report known Midshipmen violations to the USMMA. A violation of the USMMA Sea Year policy may result in counseling or punishment pursuant to the Midshipmen Regulations.

MARAD Will Maintain a Record of all Relevant Company Policies—Companies will submit all relevant policies and documentation to MARAD, and MARAD will verify compliance annually. Required documentation includes, but is not limited to, sexual assault and harassment prevention and response policies; a description of company's complaint reporting process and procedures; policies related to confidentiality, enforcement, and retaliation and investigation procedures; and, the location of sexual misconduct prevention policies onboard the vessel.

Company Debrief—Currently, both Midshipmen and the Vessel Masters evaluating them provide a report to the USMMA upon completion of an individual's Sea Year training. In addition to these reports, the new criteria require the company to provide the Academy a sexual assault and sexual harassment debrief at the completion of the Midshipmen's Sea Year time with the company. The debrief provides the company an opportunity to specifically address issues and note any concern or need for improvements.

Question. Specifically, how has the Maritime Administration developed and deemed these training programs to be the best possible programs to achieve these critical goals?

Answer. In addition to MARAD employees familiar with life at sea, the SCCT includes civil rights experts, including a workplace sexual discrimination prevention and response subject matter expert, who helped establish the criteria companies must meet to be Sea Year eligible. These experts were each involved in reviewing

company processes and procedures for reporting and investigating complaints, enforcement policies, crew training, and development of the questionnaire that will be used to seek feedback from companies who take Midshipman on board during Sea Year. They will continue to be involved as we receive feedback and review Sea Year policies annually.

The best chance for success in changing the culture onboard vessels is for maritime industry and labor to lead the effort, and they have stepped up to take on this challenge. As noted above, MARAD has entered into an agreement with the SOCP to develop computer-based training as well as best practices for all companies providing training to Midshipmen. This approach allows uniformity in the content of the training, while allowing it to be adaptable to meet the needs of companies of all sizes. Addressing these issues will be an ongoing effort and continued improvements will likely be needed. Feedback from Midshipmen and the companies participating in Sea Year will inform what changes need to be made going forward.

Question. The addition of special training sessions for midshipmen prior to departure for Sea Year and ensuring companies adhere to strong zero tolerance policies for sexual assault and sexual harassment are an important first step. But what resources and protections are available to midshipmen when sexual violence does happen while out at Sea Year?

Answer. Before they leave for Sea Year, Midshipmen are informed that they have several options for reporting a sexual assault incident. They can report it up their chain-of-command on the vessel, back to the Academy— using code words if necessary, or directly to the U.S. Coast Guard (USCG). All unrestricted reports would be forwarded to USCG Investigative Service (CGIS) for investigation. All reports, restricted or unrestricted, would result in contact made by the Academy SARC to ensure the Midshipman is safe and receives the support he or she needs, including making arrangements to be removed from the vessel.

If the vessel operator is notified of an unrestricted report, the company will conduct and investigation. The investigation would maintain the Midshipman's confidentiality to the extent practical, and the company would protect the victim from retaliation as part of their policy in meeting the SCCT criteria. As with any injury at sea, the vessels carry medical equipment, and a person certified to administer triage.

If a person needs medical assistance as a result of an assault, the designated person in charge for medical (usually the Chief Mate) will provide assistance. The designated person in charge for providing medical is required by USCG Navigation and Vessel Inspection Circular No. 02 04, dated December 19, 2003, to present documentation demonstrating competence as part of the Standards of Training, Certification and Watchkeeping for Seafarers. Additionally, vessels typically have reach-back capability for services to provide medical advice while at-sea.

Administering a rape kit in a timely manner can produce critical evidence for an unrestricted report investigation. As a result, the Academy will work closely with the company and CGIS or NCIS to facilitate such evidence collection. Rape kits are not required to be carried onboard as part of the medical supplies because they must be administered by trained and qualified personnel to ensure useful and admissible evidence results. The Academy is exploring options to make it easier for Midshipmen to communicate back to Academy when at sea. The Academy will be testing portable GPS texting devices to see how they work at sea. The goal is to send two devices out with the next group of Sea Year Midshipmen.

Question. I remain deeply concerned that there is a gap in the services the Academy provides midshipmen while out at sea, especially in the case of sexual assault. The U.S. Department of Defense provides its service members with the "Safe Helpline" and the Department of State has made an app—"PC Saves Helpline"—available to its Peace Corps volunteers, both of which are operated by RAINN, the Rape, Abuse & Incest National Network. These tools provide specialized support and information to individuals affected by sexual assault. For example, the Safe Helpline is available worldwide, providing crisis response and information, and connecting survivors to resources.

Executive Director Szabat, what is preventing the Maritime Administration from offering a similar helpline to midshipmen on Sea Year?

Answer. The Academy has a 24/7 hotline phone that is staffed by victim advocates. In addition, the Academy has a Memorandum of Agreement with the local rape crisis center (The Safe Center), which provides backup coverage for the Academy's 24/7 hotline. To date, the DoD's current contracting arrangement with Rape Assault Incest National Network (RAINN) does not permit the Academy access to the DoD Safe Helpline. We have been told that the primary issue with gaining access is that Academy Midshipmen, unlike cadets at other service academies, are not DoD or Department of Homeland Security employees and thus our people are out

of the current contract's scope. The Academy has been in discussions with RAINN about contracting with them to use their national hotline.

Question. Can you report back to this Subcommittee on what regulatory, legislative, or fiscal barriers would prevent the Maritime Administration or Academy from providing midshipmen additional tools while at Sea Year within 60 days?

Answer. Yes, we are assessing what additional resources or authorities may be needed to ensure Midshipmen safety during Sea Year.

Question. Finally, I need to address President Trump's fiscal year 2018 budget blueprint. A budget is a statement of priorities, and a 13 percent cut to the U.S. Department of Transportation is a direct attack on our nation's growing infrastructure needs, workers, families, and the middle class. The Maritime Administration already has a slim budget, and serves a critical role in supporting our national security and economy.

Executive Direct Szabat, will the more detailed budget delivered to Congress in May include sufficient funding to continue the Maritime Administration's mission?

Answer. We are confident it will sufficiently address funding requirements to support MARAD's mission to strengthen the U.S. marine transportation system including infrastructure, industry, and labor to meet the economic and security needs of the Nation.

Question. And just as importantly will it include the necessary funding to support the Academy's efforts to implement real cultural changes on sexual assault and sexual harassment?

Answer. Yes, the Academy currently faces a number of unique challenges, most importantly fighting for real cultural change. The detailed fiscal year 2018 President's Budget request for the Academy will continue to support the highest standards of excellence in education for the Midshipmen, including continuing efforts to implement cultural changes that address sexual assault and sexual harassment and specific actions for the prevention of such incidents.

QUESTION SUBMITTED BY SENATOR CHRISTOPHER MURPHY

Question. At the hearing I noted that I had heard from numerous parents of USMMA students across Connecticut about the Sea Year suspension. These parents want their children to be safe, and they also want their children to get the education they were promised when they committed to USMMA.

Can you detail the steps MARAD and USMMA will take to ensure students affected by Sea Year stand down will meet their Sea Year requirements and graduate on time?

Answer. No midshipman who was affected by this stand down is going to have his or her graduation delayed because of the stand down. The Academy can ensure they will all get the necessary sea days prior to graduation.

QUESTIONS SUBMITTED TO REAR ADMIRAL JAMES HELIS

QUESTIONS SUBMITTED BY SENATOR STEVE DAINES

Question. Thank you for testifying on this very important subject. Every instance of sexual assault is horrific and the frequency with which it occurs in our society is abhorrent. Reports of sexual assault by civilian mariners on students assigned to commercial ships during their "Sea Year" illustrates that this problem is not unique to a military environment. The Merchant Marine Academy is distinct amongst its sister academies because students effectively spend three years in a structured, military-style environment; and one year abroad in a commercial, maritime environment. While I am encouraged that you have taken decisive action to stop sexual assault on campus within your regimental program, I'm concerned that meaningful change across industry will take much longer. Until meaningful change takes place across the industry, what safeguards are in place now for students who become victims while at sea hundreds of miles offshore?

Answer. As part of Sea Year preparations, the U.S. Merchant Marine Academy (Academy or USMMA) provides a series of lectures and seminars to familiarize the Midshipmen with life at sea. These briefings cover all aspects of safety on board a vessel, including sexual assault and sexual harassment prevention and response.

The Academy provides Midshipmen a range of reporting options in the event of an incident of sexual assault or harassment. For example, a Midshipman can make an unrestricted report of an incident through the ship's chain of command or directly to the company's designated person ashore who is available to address crew issues that may arise. In the event of a report, the company is obligated to conduct

an internal investigation. In addition, the U.S. Coast Guard (USCG) is responsible for investigating if a crime has been committed aboard a U.S.-flag vessel.

Alternatively, a Midshipman can make a restricted report¹ by contacting the Academy's Sexual Assault Response Coordinator (SARC) or any of the Academy's faculty and staff who are trained as victim advocates. Midshipmen are provided with a code word prior to departing on Sea Year that they may use in a communication back to the Academy. If the code word is used, the Midshipman is removed from the vessel at the next available opportunity.

In addition, the Maritime Administration (MARAD) and the Academy have formalized the Sea Year mentorship program, including enhanced selection criteria. Each Midshipman is assigned an officer on the ship who is specifically designated as a mentor and who is an unrestricted reporting option should an incident of sexual assault or sexual harassment occur.

QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

Question. As my colleagues have already discussed, and as I outlined to Secretary Chao in a March 21st letter, I remain deeply concerned with the prevalence of sexual assault and sexual harassment at the U.S. Merchant Marine Academy (Academy).

This is an issue the Academy has been trying to address for almost 10 years, but the most recently available Service Academy Gender Relations Survey still found 17.1 percent of women and 2 percent of men have experienced sexual assault and 63 percent of women and 11 percent of men have experienced sexual harassment.

While I appreciate the actions taken to date by the U.S. Department of Transportation, Maritime Administration, and the Academy to institute change, it's clear that problems of sexual violence continue. Admiral Helis, is the Academy committed to implementing the recommendations from the recently completed Culture Audit?

Answer. Yes. The contractor hired to do the audit, Logistics Management Institute (LMI), delivered its report in December 2016, identifying the root causes of improper behavior and recommending both short-term and long-term corrective actions to address these issues. MARAD and the Academy have already begun taking steps to implement the recommendations made in the report.

Question. How are you prioritizing the more than 50 immediate and near-term actions in the Academy's Action Plan and ensuring that they are completed in Fiscal Year 2017?

Answer. The action plan to address issues identified in the LMI report is comprehensive and aggressive. The entire Academy team is pursuing the items in the plan along parallel paths. We are building and aligning the Academy leadership and management team by filling key positions as discussed elsewhere in the record. The Sexual Assault Prevention and Response Office (SAPRO) should be fully staffed this summer. We have completed a new Sexual Assault Prevention and Response Framework for 2017-2021. Processes for credentialing shipping companies are in place. We are well into planning a campaign to transform the culture of the Academy and will formally begin the campaign prior to the admission of the class of 2021 this summer. The campaign will emphasize personal accountability and responsibility for preventing sexual assault and harassment, including bystanders' responsibility. During Sexual Assault Awareness Month in April, we emphasized these themes through a variety of events, including a day of awareness when classes were shortened so Midshipmen, staff, and faculty could attend a variety of seminars on sexual assault and by participating in existing campaigns focused on sexual assault prevention, including Green Dot (bystander intervention) and It's On Us (NCAA's campaign against assault) events.

Immediate actions that are being taken to implement recommendations from the Action Plan include:

- Expanding the Sexual Assault Response Coordinator (SARC) office to a four-person Sexual Assault Prevention and Response Office (SAPRO), with a SAPRO Program Manager/SARC (interviews to commence shortly), two Victim Advocate/Prevention Educators (one tentative offer accepted; interviews underway for the other) and a Sea Year Coordinator (on board), and responsible for overall

¹A confidential report, also known as a restricted report, allows Midshipmen who are sexual assault victims to disclose, on a confidential basis, the details of their assault to specifically identified individuals at the Academy and receive medical treatment and counseling at a location of the victim's choice (on or off-campus), without triggering the official investigative process. Midshipmen who initially elect to make a restricted report can, at any time after their initial restricted report, decide to pursue unrestricted reporting, which will result in the initiation of criminal and administrative investigatory proceedings

- program management and integration of the program across all Academy stakeholders.
- Building and aligning the Academy leadership and management team to better address sexual assault and sexual harassment, including filling key personnel positions and continuing to include the SAPRO Program Manager/SARC on the leadership team.
- Refining a multi-year sexual assault and sexual harassment prevention and response campaign, including updating sexual assault and sexual harassment policies and training models.
- Enhancing policies and procedures against retaliation and reprisal including training, reporting, responding to incidents, investigation and supporting victims
- Instilling a sense of personal responsibility for preventing and addressing sexual assault, sexual harassment and retaliation at all levels within the Academy
- Building shared ownership among Academy, MARAD and industry, including regularly engaging with industry in formal gatherings such as the 2016 Call-to-Action.
- Implementing the process for credentialing shipping companies for participation in Sea Year.
- More fully preparing and supporting Midshipmen in the Sea Year program.
- Establishing a robust, continual feedback process from Sea Year.

Question. Further, what are you doing to ensure these initial steps are having the necessary and desired effect?

Answer. We will continue to assess the success of our programs through what we learn about Midshipmen experiences from surveys of Midshipmen, formal and informal focus groups, and listening sessions, and through tracking official reports of sexual assault and harassment.

In addition, the Shipboard Climate Compliance Team (SCCT) receives continuous feedback from the companies to consider improvements. The SCCT criteria will be reviewed annually and on-site audits will be performed by MARAD and the Academy onboard vessels and with companies. In addition, the Academy will receive feedback from Midshipmen following their Sea Year so problems can be identified and improvements to the Sea Year experience can be made.

Question. A critical component in the Academy's Action Plan to address the recommendations from the Culture Audit is to build and align the Academy leadership and management team. This requires filling key leadership positions and establishing a fully-staffed Sexual Assault Prevention and Response Office with a Sexual Assault Response Coordinator and two Sexual Assault Response Coordinator Assistant positions. Prolonged vacancies in these positions would negatively impact the Academy's ability to make improvements to better protect midshipmen. I understand the Academy is currently seeking applications for two of the three positions and is in the final hiring stages for the third.

Admiral Helis, can you commit to this Subcommittee that the office will be fully-staffed within three months?

Answer. The first of two victim advocate/educators is due to start at the Academy in June and a Sea Year coordinator is already on board. We are presently conducting interviews for the second victim advocate/educator and will begin interviews shortly for the Sexual Assault Prevention and Response Office director. We will fill those positions as soon as we are able to present offers to the selected candidates and they clear necessary background checks.

QUESTIONS SUBMITTED BY SENATOR CHRISTOPHER MURPHY

Question. Despite the high incidence of sexual assault and harassment at the United States Merchant Marine Academy (USMMA), the position of Sexual Assault Response Coordinator (SARC) at the Academy has been vacant since December 2016—well before the new administration's hiring freeze and well past when USMMA received a waiver from the hiring freeze in February 2017. This vacancy is especially concerning because the SARC can change campus culture, and campus culture is cited as the primary reason that the level of formal reporting of sexual assault and harassment is so low even as the level of anonymous reporting of sexual assault and harassment is so high.

Why didn't the Academy fill the SARC position in December 2016?

Answer. The previous SARC departed USMMA at the end of December. At the time of her departure, a decision had been made to expand the SARC to a four-person Sexual Assault Prevention and Response Office (SAPRO). Under the new structure, the SARC will also act as the SAPRO Program Manager; therefore, the position description for the SARC needed to be updated to reflect these new duties prior

to the position being advertised. In addition to the SARC, the SAPRO will have two Victim Advocate/Prevention Educators and a Sea Year Coordinator.

While the hiring freeze initially affected the hiring process, the Academy received an exemption from the hiring freeze for several critical positions, including the SARC position, on February 21, 2017. There currently is an acting SARC filling this role until a permanent SARC is hired.

Question. In light of USMMA's waiver and the federal hiring freeze being lifted, how will USMMA go about swiftly filling the SARC position?

Answer. The Academy will begin interviews shortly for the SARC/SAPRO director. In addition, the first of two victim advocate/educators is due to start at the Academy in June, a Sea Year coordinator is already on board, and we are presently conducting interviews for the second victim advocate/educator.

Question. How will the end of the federal hiring freeze impact USMMA's efforts to fill other vacant positions? Please be specific about processes and which vacant positions USMMA needs to fill.

Answer. DOT has granted the Academy the authority to hire for those positions which were identified for national security exceptions under the hiring freeze. The Academy also has permission to hire replacements when new vacancies come open. We are currently filling positions in priority using our normal hiring processes. In addition to the SAPRO positions identified above, the Academy is in the process of filling the following positions:

- * Academic Dean
- * Commandant
- * Music Director
- * Office of Human Resources Director
- * Special Victim Advocate/Attorney
- * Director of Information Technology
- * Information System Security Manager
- * Office of External Affairs Director
- * Sports Specialist/Head Basketball Coach
- * Electrical Engineering Instructor
- * Mechanical Engineering Instructor
- * Physics Laboratory Technician
- * Marine Machinery Mechanic
- * Project Manager
- * Wood Crafter Supervisor
- * Financial Management Clerk
- * Procurement Contract Specialist
- * Recruitment Specialist (2 positions)

Question. At the hearing I noted that I had heard from numerous parents of USMMA students across Connecticut about the Sea Year suspension. These parents want their children to be safe, and they also want their children to get the education they were promised when they committed to USMMA.

Can you detail the steps MARAD and USMMA will take to ensure students affected by Sea Year stand down will meet their Sea Year requirements and graduate on time?

Answer. No midshipman who was affected by this stand down is going to have his or her graduation delayed because of the stand down. The Academy can ensure they will all get the necessary sea days prior to graduation.

QUESTIONS SUBMITTED BY SENATOR JOE MANCHIN

Question. How does the Academy educate and advise midshipmen on the differences between restricted and unrestricted reporting, in both process and outcome?

Answer. Midshipmen first receive training during indoctrination. Plebe candidates receive training addressing sexual assault, sexual harassment, dating and domestic violence, stalking, and bystander intervention. During this training, Midshipmen are instructed on reporting procedures, including the differences between restricted and unrestricted reports, the process for making a report, and the services and remedies available to the victim once a report is made. All Midshipmen receive frequent awareness training throughout their time on campus on a variety of sexual assault and sexual harassment topics. This includes training on restricted and unrestricted reporting procedures. Sea Year Midshipmen receive pre-Sea Year training to prepare them for the challenges of Sea Year, including training on how to report and incident while at sea.

Question. The LMI report suggested that there was a lack of effective communication from leadership at MMA. How are you working to build relationships with your midshipmen, your faculty, and your staff to improve the culture of the academy?

Answer. In response to the LMI recommendations, the Academy has begun a “culture campaign” to improve communication among Academy leadership, faculty, staff and Midshipmen. This campaign is primarily driven by the Midshipmen in order to get their buy-in and provide them with a sense of ownership. As part of this campaign, we are establishing forums to offer an opportunity for Midshipmen to express their concerns, ideas, and suggestions. In addition, we have created a committee that has representation from Midshipmen, faculty, and staff across the Academy that will provide regular feedback to Academy leadership. The mission of the culture campaign is to develop and facilitate a campus-wide discussion of Academy core values resulting in a unified Academy community. The intent is for this to be a multi-year campaign that provides strategies and opportunities to improve campus climate.

In addition to the campus-wide culture campaign, I personally meet with Midshipmen and faculty on a regular basis during the daily operations of the Academy. I have set times to meet with two small groups of Midshipmen each week and I meet frequently with faculty members, including with the faculty as a group each month.

Question. The LMI report revealed that midshipmen and alumni were warned during plebe indoctrination that if they go to the on-campus health clinic, they could be medically disqualified. This includes victims of sexual assault. How are you combatting this perception that seeking medical treatment would disqualify a midshipman?

Answer. The goal of the Department of Health Services is to ensure Midshipmen receive the health care they need to continue their training and education. We have embarked on an education program for both the Midshipmen and the staff at our health clinic to ensure that it is understood the aim is the well-being of Midshipmen. The Director of Health Services has instituted patient satisfaction surveys to assess Midshipmen perceptions of the health clinic. He is meeting weekly with Midshipmen to further assess Midshipmen attitudes and correct misperceptions. He is also working with the clinic staff to address how they can improve Midshipmen confidence that their priority is healing their illnesses and injuries so they can continue their education and training. Midshipmen officers leading indoctrination training this summer will be reminded that as leaders, they are responsible for the health and well-being of their subordinates, which includes availing themselves of health care. In the overwhelming majority of cases, Midshipmen are able to recover and graduate. Unfortunately, there will always be some Midshipmen who through injury or illness will be unable to continue at USMMA. Since 2013, only 17 Midshipmen have been disenrolled for medical reasons.

Question. Each of the five service academies has taken different approaches to addressing the issue of sexual assault. Has MMA considered some of the programs used by other academies when addressing sexual assault?

Answer. The USMMA program is modeled after the programs used in at the U.S. Military Service Academies, which make up the other four service academies. The USMMA has reviewed the policies of all of the service academies and is in regular communication with those schools regarding best practices. USMMA personnel are also involved in efforts across all institutions of higher education regarding response and prevention efforts. For example, in January 2017, USMMA staff participated in a summit hosted by the U.S. Air Force Academy in which all of the U.S. Military Service Academies came together to focus on accelerating progress in sexual assault and sexual harassment prevention, reporting, and retaliation efforts. Part of this summit included training for adopting and implementing parallel programming among the service academies for addressing sexual assault and sexual harassment prevention and response. There is no one-size-fits-all approach to addressing these issues, but the USMMA continues to evaluate and revise its program as appropriate to meet the needs of its Midshipmen.

Question. To what extent does the relative size of MMA determine your approach to this issue?

Answer. The size of the Academy does not affect the fundamentals of addressing the challenges of preventing and responding to sexual assault. It creates unique challenges. Every institute of higher education has unique challenges to addressing sexual assault and sexual harassment. The size of the Academy, the Sea Year training component, and the regimental system all present challenges. For example, it is difficult to move a victim or an accused out of a class or barracks given the Academy's small size. The Academy continues to explore ways to address issues these unique challenges.

Question. Section 3510 of the National Defense Authorization Act for Fiscal Year 2017 requires a working group to report to Congress by September on efforts to further address the issue of sexual assault prevention and reporting. What is the current status of this working group?

Answer. As required by the National Defense Authorization Act for Fiscal Year 2017 (fiscal year 2017 NDAA), MARAD convened the Sexual Assault Prevention and Response Working Group (SAPR WG) on January 31, 2017. The SAPR WG is on track to produce a findings report to Congress by September 2017. The SAPR WG was divided into three sub-groups each with co-chairs and a balance of membership expertise to address Climate Awareness, Reporting and Response, and USMMA sea-year training, respectively. In total, the membership will address all seven focus areas cited in the fiscal year 2017 NDAA language. Concurrently, public input is being sought through a Federal Register Notice which was published May 1, 2017 under docket number MARAD-2017-0079.

Question. With the resumption of Sea Year training, what tools and indicators are being used onboard to monitor the improvement of safe conditions and sexual assault reporting?

Answer. MARAD and the Academy will seek continuous feedback from both Midshipmen and the companies participating in Sea Year so problems can be identified and improvements to the Sea year experience can be made. The Academy and shipping companies will survey Midshipmen at the end of their sailing period to assess shipboard climate and the implementation of the requirements companies must meet to be Sea Year Eligible. The Academy will continue to assess the success of our programs through what we learn about Midshipmen experiences from surveys of Midshipmen, formal and informal focus groups, and listening sessions, and through tracking official reports of sexual assault and harassment. The SCCT will receive continuous feedback from the companies to consider improvements. The SCCT criteria will be reviewed annually and on-site audits will be performed by MARAD and the Academy onboard vessels and with companies.

Question. Can you please report the dropout rate at USMMA for the last five years; of those midshipmen that dropped out, how many filed unrestricted or restricted reports of sexual assault?

Answer. For Midshipmen entering the Academy from 2011 through 2105, the overall attrition rate to date is 19 percent. No Midshipman who filed an unrestricted report has resigned or been disenrolled. As the identities of victims filing restricted reports are kept confidential, we cannot ascertain if any have left USMMA prior to graduation.

Question. Which shipping companies in the past five years had a midshipman report an incident of sexual assault or harassment?

Answer. Two formal reports (one restricted and one unrestricted) of sexual assault have been made by Midshipmen involving two companies. Ten complaints have been made involving eight companies, about which Midshipmen did not want to pursue a formal investigation or provided the information anonymously. The complaints involved inappropriate touching, comments, and/or unwanted attention. Identifying specific companies that have had a report or a complaint made by a Midshipman on board one of their vessels could jeopardize the privacy of the Midshipman who made the report or complaint. Because of the small number of Midshipmen assigned to vessels for Sea Year training, it would not be difficult to identify which Midshipman made the report.

Question. Of all the commercial shipping companies that have taken midshipmen for training over the past five years, how many ships had a midshipman report sexual harassment or assault? Please also specify whether the incident involved a crewmember or another midshipman.

Answer. Twelve ships have had Midshipmen who made a report (restricted or unrestricted) or complaint of sexual assault or sexual harassment. One unrestricted report of sexual assault was made involving a crewmember. One restricted report of sexual assault was made involving another Midshipman. We have less information about the remaining ten complaints, because they did not rise to the level of a reported incident, but came to the Academy's attention because a Midshipman contacted the Academy for advice or assistance. Seven of those complaints involved crewmembers and three complaints did not include information on whether the incident involved a crewmember or another Midshipman. Identifying specific vessels that have had a report of sexual assault or sexual harassment made by a Midshipman on board could jeopardize the privacy of the Midshipman who made the report. Because of the small number of Midshipmen assigned to vessels for Sea Year training, it would not be difficult to identify which Midshipman made the report.

QUESTION SUBMITTED TO CALVIN SCOVEL

QUESTION SUBMITTED BY SENATOR PATTY MURRAY

Question. Inspector General Scovel, first, thank you for your past work to review efforts by the U.S. Merchant Marine Academy (Academy) to address their ongoing issues with sexual assault and sexual harassment. In your testimony you indicate that by June 2017 you will start a new review of the Academy.

While the National Defense Authorization Act for fiscal year 2017 requires that your review focus on the Academy's Sexual Assault Prevention and Response program, I ask that you expand your review to encompass the entirety of the recently completed Culture Audit and the Academy's Action Plan. Further, I respectfully request that your review and subsequent recommendations help the Academy prioritize the more than 50 immediate and near-term actions in the Academy's Action Plan. Will you commit to taking these steps?

Answer. Yes. My office has already planned to include the Culture Audit and Action Plan in the scope of our upcoming review of the Academy's Sexual Assault Prevention and Response program—mandated by the National Defense Authorization Act for fiscal year 2017. While the mandate did not specifically mention the culture plan, our review will assess the Academy's progress with all recent reports and associated recommendations.

Furthermore, we continue to encourage the Academy to prioritize the more than 50 immediate and near-term actions items in its Action Plan. As part of our upcoming review, we will examine the Academy's process and procedures for prioritizing the many actions from recent reports, as well as how risk is factored into those decisions. It is important to note, however, that while we will bring attention to actions that might warrant greater attention and priority, it is ultimately the responsibility of the Department's leadership to establish the actual priorities and determine how they will be carried out within the appropriate milestones, deadlines, and applicable policies.

SUBCOMMITTEE RECESS

Senator COLLINS. I want to thank all of our witnesses for participating. And this hearing is now adjourned.

[Whereupon, at 11:39 a.m., Wednesday, April 5, the hearing was concluded and the subcommittee was recessed, to reconvene at a time subject to the call of the Chair.]