

**RIGHTING THE SHIP: THE COAST GUARD MUST  
IMPROVE ITS PROCESSES FOR ADDRESSING  
HARASSING, BULLYING, AND RETALIATION**

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**JOINT HEARING**

BEFORE THE

SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL  
LIBERTIES

OF THE

COMMITTEE ON OVERSIGHT AND REFORM  
**[Serial No. 116-78]**

AND THE

SUBCOMMITTEE ON TRANSPORTATION AND  
MARITIME SECURITY

OF THE

COMMITTEE ON HOMELAND SECURITY  
**[Serial No. 116-53]**

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# **RIGHTING THE SHIP: THE COAST GUARD MUST IMPROVE ITS PROCESSES FOR ADDRESSING HARASSING, BULLYING, AND RETALIATION**

**Wednesday, December 11, 2020**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES,  
COMMITTEE ON OVERSIGHT AND REFORM  
SUBCOMMITTEE ON TRANSPORTATION AND MARITIME  
SECURITY,  
COMMITTEE ON HOMELAND SECURITY  
*Washington, D.C.*

The subcommittees met, pursuant to notice, at 10:10 a.m., in room 2154, Rayburn House Office Building, Hon. Jamie Raskin, (chairman of the subcommittee) presiding.

Present: Representatives Raskin, Maloney, Thompson, Correa, Clay, Cleaver, Kelly, Watson Coleman, Gomez, Ocasio-Cortez, Demings, Norton, Roy, Lesko, Massie, Katko, Hice, Bishop, Cloud, Miller, Keller, and Jordan.

Also present: Representative Courtney.

Mr. RASKIN. Subcommittee will come to order.

Good morning, everyone. Without objection, the chair is authorized to declare a recess of the committee at any time.

Today's joint subcommittee hearing is convening with Homeland Security Subcommittee on Transportation and Maritime Security on how the Coast Guard is handling complaints of harassment and bullying.

I ask unanimous consent that Congressman Joe Courtney of Connecticut be allowed to sit with the subcommittee on the dais to ask questions of the witnesses and to participate fully in this hearing, and without objection, so ordered.

I will now make my opening statement before I turn to the ranking member.

Welcome, everyone, to today's joint hearing with the Committee on Oversight and Reform Subcommittee on Civil Liberties and Civil Rights, and the Committee on Homeland Security Subcommittee on Transportation and Maritime Security.

I want to first start by saying our subcommittee has been actively involved in working on ways to stop hate violence so I was dispirited to read the news of yet another anti-Semitic lethal attack which took place in New Jersey several hours ago. We send the victims' families our sympathy and our solidarity.

Today's investigation was spearheaded by Chairman Bennie Thompson, who leads the Committee on Homeland Security, and

by our own late chairman, Elijah Cummings, in close consultation with Connecticut Representative Courtney.

Chairman Cummings served as the chairman of the Transportation Infrastructure Committee's Subcommittee on Coast Guard and Maritime Transportation for four years.

He was deeply troubled by the results of a 2017 report finding inequitable outcomes for minority cadets including lower graduation rates and higher levels of discipline.

Elijah was also disturbed by the Inspector General's finding that a member of the military assigned to the Coast Guard Academy faculty suffered retaliation for reporting harassment and bullying, and he wanted to know what was being done to address the retaliation and to ensure that the allegations were being handled properly.

The findings of the committee's joint investigation are now clear. Coast Guard military leadership has failed to promptly, thoroughly, and impartially address harassment, bullying, and retaliation allegations at the Academy.

Furthermore, Coast Guard leadership has refused to hold anyone accountable for these systemic failures.

Lieutenant Commander Kimberly Young-McLear, who will testify today, is a faculty member at the Coast Guard Academy. She served in the Coast Guard for 16 years, holds a Ph.D. in systems engineering, and is on the permanent faculty there. She is among the very best our Nation has to offer.

In 2016, Lieutenant Commander Young-McLear alleged she was suffering harassment and bullying. Her allegations were handled through the Coast Guard's anti-harassment process.

However, rather than promptly and impartially determining whether or not her allegations were true, the Coast Guard swept her allegations under the rug.

A senior officer then communicated to her that her allegations had been investigated three times and that each time the allegations were not substantiated. That was not accurate.

The Coast Guard had not investigated any of these allegations fully. But the Coast Guard spread this misinformation far and wide, sowing doubt among Lieutenant Commander Young-McLear's colleagues about the legitimacy of her complaints, further isolating her from her peers in the workplace.

Nevertheless, she persisted and took her allegations to the Office of the Deputy Commandant from Mission Support. The Coast Guard finally conducted an investigation that verified her complaint of bullying and found that she had suffered work interference and her performance had been undermined.

And yet, senior Coast Guard officials inexplicably concluded that her allegations were unsubstantiated.

Finally, to add injury to insult, Lieutenant Commander Young-McLear was retaliated against for making the original allegations of harassment and bullying.

Anti-harassment and anti-bullying processes can be effective only if complainants can trust that the complaints will be handled properly.

The many failures identified by our investigation sent a clear signal to Coast Guard personnel that coming forward with allegations



of harassment or bullying is pointless and even potentially damaging to one's career.

I also want to note that our staff reached out to the manager who allegedly harassed and bullied the lieutenant commander. But he refused to speak with our committee.

I would like to thank Lieutenant Commander Young-McLear for her service to our Nation and her bravery in speaking out and being here with us today.

I also want to thank the Office of the Inspector General for their work on this issue.

Unfortunately, despite our repeated requests for his testimony, the commandant of the Coast Guard, Admiral Karl Schultz, refused to attend this hearing or to account for whether the Coast Guard will act to ensure that no other Coast Guard member suffers as Lieutenant Commander Young-McLear has suffered.

According to the Coast Guard's Civil Rights Manual, quote, "Command leadership is ultimately responsible for the Coast Guard's civil rights outcomes," unquote.

The commandant is the ultimate leader of the Coast Guard. His refusal to appear here today casts doubt on how seriously the Coast Guard is taking the disturbing findings of the Inspector General and of this committee.

But rest assured, we take it very seriously, as our late beloved colleague, Elijah Cummings, did. We will continue to take it seriously and we will insist on the systematic changes that are necessary to address all of the efficiencies we have identified and to make certain that this anti-harassment policy is real.

With that, I happily yield now to Mr. Roy.

Mr. ROY. I thank the chairman. I appreciate the opportunity address this issue in this hearing and I really want to thank the witnesses, particularly Admiral McAllister, who will come in the second panel, and Lieutenant Commander Young-McLear for your service to our Nation.

Each day, the men and women of the United States Coast Guard risk their lives to keep our country safe and we commend you for taking an oath to do so.

I represent a district in Texas that, while not a coastal district, Texas is, obviously, a coastal state and we have got a bunch of proud members of the Coast Guard who are working diligently and particularly there dealing with the flow of dangerous narcotics and the cartels that operate along our border and the Coast Guard is right there on the front lines. So, we really do appreciate any others—members of the Coast Guard who are here in this room as well and thank you for your service.

The Coast Guard does play a vital role in protecting our Nation's borders, maritime environment, and economy. In an average day, the men and women of the Coast Guard conduct 45 search and rescue operations, saving on average 10 lives.

But that is not all. The Coast Guard stops migrants from entering the country illegally, conducts vessel security boardings, prevents foreign vessels from illegally entering the United States' waters, prevents drugs from entering our country.

In an average day, members of the Coast Guard interdict 874 pounds of cocaine and 214 pounds of marijuana. I am sure most of us watched the Coast Guard's video in July.

It showed members of the Coast Guard Cutter Munro jumping into a submarine packed with cocaine in the middle of the eastern Pacific Ocean.

The sub contained five suspected drug smugglers and 17,000 pounds of cocaine with a street value of over \$230 million.

This is the story of a broken system that we have addressed many times in this committee. It is also the story of a Coast Guard that is on the front lines dealing with a broken system.

And I might add, if we were to do our job as a country, instead of wasting time through political shenanigans as we have been seeing unfolding heavily over the last three months, then we would secure the border of the United States. We would give more tools to the Coast Guard to be able to do their job.

That narco sub was one of 14 drug-smuggling vessels the Coast Guard intercepted between May and July of this year off the coast of Mexico, Central America, and South America.

That is just one example of the heroic actions members of the Coast Guard take every day to protect the safety of our Nation's borders and waterways.

Today, my Democratic colleagues have called this hearing to showcase—not to showcase the valiant efforts of the Coast Guard but to demand this branch of our military make changes to its bullying and harassment policies.

Now, to be clear, we should not tolerate a single act of bullying or harassment against a member of any branch of our armed services.

If a member of our armed services experiences bullying or harassment, they should have an avenue to report these behaviors and actions to remedy the situation should be taken immediately.

My Democratic colleagues released a report this morning, I think, or are about to release a report—I don't know if the chairman could confirm that or not.

Mr. RASKIN. Yes, it has been released.

Mr. ROY. OK. And released a report that found that the Coast Guard military leadership failed to conduct prompt, thorough, and impartial investigations of allegations of harassment and bullying.

These are troubling allegations and I am certainly glad that we are going to be able to address them with those in this hearing today.

But the Democrats also found that significant improvements to policies and procedures are needed to ensure full and consistent enforcement of anti-harassment and hate incident policies.

These conclusions are based off of observations made by the majority from studying two cases of allegations of harassment and bullying.

I would note that the GOP—we got the information, I believe, over the weekend and did not sign on to the report because we thought it was more important to take more information in and looking into the report. Doesn't mean that the allegations don't have some merit.

But when we get these things on a Saturday—and this is the point I was making a little earlier—we are constantly now spending our time dealing with a nonstop 24-hour-a-day impeachment effort which is consuming the time of the Judiciary Committee, the Oversight Committee, and the members of this body.

And then we get a report on Saturday on something that is important as the allegations that we are currently seeing here. And we have got to have the time to be able to look at that, digest it, and make the right opinion.

So, I am glad we are going to have the hearing. But I would have suggested that maybe we should have a report after we have the hearing and that we take in this information because that is how hearings should operate.

I hope the testimony today provided can supply a wider basis upon which it make these conclusions and if there are, indeed, issues which the policies and procedures governing allegations of harassment and bullying are investigated at the Coast Guard they, of course, should be fixed.

And with that, I yield back to the chairman.

Mr. RASKIN. Thank you kindly, Mr. Roy.

I recognize now Homeland Security Subcommittee Chairman Correa for his opening statement.

Mr. CORREA. Thank you, Mr. Chairman.

I want to, in many ways, join Mr. Roy in commending the Coast Guard for a great job they do. As you know, most of their work is to protect this country and, as you know, most of the narcotics entering this country now are through the sea.

My committee have also learned that the north—that the Coast Guard actually goes as far as North Korea. They are actually helping us enforce sanctions on North Korea.

They are doing a great job and as I hear this discussion and I read this issue it reminds me of the days when I was chair of a similar committee in the state senate where I had jurisdiction over the California National Guard.

A few years ago, they had similar issues, and at that time we had the general of the California National Guard, General Baldwin, step up to the committee and say, you know what, we have issues.

We are doing a good job in the state of California but we recognize these issues and we are going to join in with your committee, the chairman said to me, and we are going to fix these issues and we are going to make sure that the—that the California National Guard is no longer tarnished by these challenges and we will move ahead.

Years later, California National Guard continues to do a great job but they are doing it much, much better. The challenges they had were history, and that is what we are supposed to do.

A department, an agency, doing a great job but not perfect. We have to acknowledge those shortcomings that we have. We have to learn from our mistakes. We have to respect and acknowledge the service of each and every member of that service and move ahead.

So, again, I want to thank Chairman Raskin, Subcommittee Ranking Members Roy and Lesko, and our full committee chairs

and our ranking members and our distinguished witnesses for being here today. Welcome.

I also want to wish and acknowledge the outstanding leadership of the late chairman of Oversight Reform, Elijah Cummings.

Mr. Cummings, his commitment to ensuring the Coast Guard and the Coast Guard Academy did the best job possible, exemplified the highest values. His commitment to those goals is admirable, and today, we are going to continue his work.

I want to acknowledge, of course, Lieutenant Commander Kimberly Young-McLear, one of our witnesses here today. Thank you for your leadership strength. Thank you for being here today.

Sixteen years in the Coast Guard, service to our country exemplary. During the lieutenant commander's career, she utilized her background in STEM and her passion for inclusion as a catalyst for change and innovation in the Coast Guard.

Among her contributions and achievements are as follows: serving as a special assistant to the deputy secretary of the Department of Homeland Security; tours of duty dedicated to naval engineering, maritime, and safety; serving as chair of the Coast Guard Academy Cyber and Leadership Diversity Advisory Council; and leading an award-winning research initiative focused on utilizing social media for large-scale disaster response during Hurricane Harvey and Hurricane Irma; earning a Ph.D. from George Washington University in systems engineering with a post-doctoral research focusing on protecting critical infrastructure from cyber threats in the maritime domain, and boy, we need your expertise; spending countless hours educating, mentoring, and supporting cadets to achieve their highest potential in all aspects of life; dedicating yourself to the new London, Connecticut community through the development of an outreach program for local middle school students aimed at closing gaps among underrepresented students in cybersecurity.

I want to sign you up for my district. Serving on the education subcommittee of the local chapter of the NAACP; being recognized by the NAACP as a recipient of the Roy Wilkins Renowned Service Award for your significant contributions to civil rights and equal opportunity, and continuing to serve honorably as a visiting scholar at the Cybersecurity and Infrastructure Security Agency.

Lieutenant Commander Young-McLear, I want to thank you for all your service and your courage in coming here today.

Thank you very much.

And today, we will examine how the Coast Guard handles allegations of harassment, bullying, and retaliation, and I would like to briefly summarize Lieutenant Commander Young-McLear's allegations of how they were handled to show how current policies, procedures, have failed to support and protect complainants who rightfully seek justice and accountability for offenses.

I look forward in learning more about the processes and the shortcomings and, more importantly, I want to make sure we all join together to fix what is not working.

Mr. Chair?

Mr. RASKIN. Thank you so much, Mr. Correa.

I yield now for her opening statement to the Homeland Security Subcommittee's ranking member, my friend, Mrs. Lesko.

Mrs. LESKO. Thank you, Mr. Chairman, and good morning to everyone and welcome to the witnesses not only on this panel but the witness on the next panel.

Thank you, Mr. Chairman. The hearing we are holding today is certain to cover important issues related to diversity and culture within the United States Coast Guard and, more specifically, the Coast Guard Academy.

We all recognize the need to ensure a positive and safe workplace within the Coast Guard. Bullying and retaliation are not acceptable in any workplace and I want to acknowledge the findings by the Inspector General's office substantiating a single instance of retaliation.

However, I would also like to acknowledge that the Coast Guard has been responsive to the Inspector General's recommendations including correcting the complainant's officer evaluation review addressing training gaps for handling allegations and investigations of harassment and bullying as well as clarifying the need for discretion in such investigations.

This is not a partisan issue and I look forward to discussing some of the Coast Guard's work in this space at today's hearing and from hearing from the witness.

The majority has spent considerable time and expense on an investigation into a matter that was already investigated by the inspector general and remediated by the Coast Guard.

Much of the one-sided report they released to the public today draws on recollections of staff, not actual transcripts. It fails to include input from several fact witnesses that were a party to the matter.

Finally, many of the report's recommendations have already been implemented by the Coast Guard. The rest may or may not be feasible.

But we don't know because the majority has not afforded the Coast Guard an opportunity to review the report or provide feedback, and the individuals named in the report were not given notice of their inclusion before the majority released their names today.

I have to say I am also disappointed that the Chairman Raskin, in his opening statement, has sought to disparage the reputation of Admiral Schultz, a military service chief and distinguished four-star admiral with over 40 years of service in our Nation.

This is especially disappointing because the Coast Guard has continually several times offered to have Vice Admiral McAllister testify and he will be on the second panel today only because the minority party asked him to be here.

I am pleased to see that Vice Admiral McAllister here today as the minority witness on the second panel. As the deputy commandant of Mission Support, he is the most knowledgeable and appropriate witness to address the topic of today's hearing.

Despite being offered as a witness to the majority multiple times, he is here today only because, as I have said, the minority invited him in an effort to get the Coast Guard's perspective on the facts of this issue.

Over the last several years, the Coast Guard has taken steps to improve the diversity and foster an inclusive workplace at the

Academy where service members, civilians, and cadets can conduct their mission free of harassment and discrimination.

For instance, the Coast Guard Academy is the first service academy to partner with the Center for Urban Education at USC to address gender and race-related gaps in student learning outcomes.

The Academy stood up a Center for Inclusive Learning and Teaching to enhance the learning environment for minority faculty and cadets. It also created an equity assessment report to track the impact of policy changes on cadet outcomes.

I raise these examples, and I know the vice admiral will speak to other examples, because I want the record to reflect the positive actions the Coast Guard has taken to enhance diversity and inclusiveness.

There is always more to be done. Don't get me wrong. And it should be done on this issue, and I know the Coast Guard is committed to always improving.

Rather than dropping a one-sided report on our doorstep right before the hearing and refusing to entertain substantive input by the minority, why can't we all work together to achieve our common objectives on this important issue?

In summary, we want to ensure that all people are treated fairly. No one should face harassment or bullying in the work force and I applaud the Coast Guard's positive actions to enhance diversity and inclusiveness while also acknowledging more can always be done to improve.

It is also important to recognize the heroic and self-sacrificing actions by the Coast Guard and its leadership each and every day.

Mr. Chairman, thank you, and I yield back the balance of my time.

Mr. RASKIN. And thank you very much.

I am now happy to recognize the chair of the full Oversight Committee, Mrs. Maloney, for her opening statement.

Chairwoman MALONEY. Thank you, and I thank the subcommittee chairman for his leadership.

This hearing follows years of oversight of the Coast Guard, led by our two—our late chairman, Elijah Cummings. He strongly supported the Coast Guard and was extremely proud of the men and women serving our country. He also held the Coast Guard to the high standards that we should expect of all branches of our military.

Joining us in this critical oversight has been our good friend, Chairman Thompson, of the Committee on Homeland Security, who jointly conducted this 18-month investigation into the Coast Guard's handling of harassment, bullying, and retaliation.

I also commend my good friend and colleague, Representative Joe Courtney, who has been a partner in this effort and an advocate for his constituent, Lieutenant Commander Young-McLear, and was his special guest at the last State of the Union. She was his guest.

This morning, the committee—the committees are issuing a joint staff report finding that allegations of bullying and harassment have not been investigated promptly, thoroughly, or impartially at the Coast Guard.

The report details weak policies that fail to require investigators to be trained adequately or to prohibit actions that could have a chilling effect on investigations.

Most troubling, however, the report also reveals numerous actions by senior Coast Guard officials that demonstrate confusion and disregard for Coast Guard procedures for handling allegations of harassment and bullying.

Committee staff examined in depth the case of a whistleblower, Lieutenant Commander Kimberly Young-McLear, who is testifying with us today.

She is a member of the Permanent Military Faculty at the Coast Guard Academy. She holds a doctorate and is presently on detail to the Cybersecurity and Infrastructure Security Agency at DHS.

Thank you for your service and your accomplishments and we are very proud of your willingness to serve and I look forward to your testimony.

My colleagues have detailed how the Coast Guard failed to examine allegations of harassment and bullying that took place over five years and I want to talk briefly about the importance of effective policies and procedures and accountability for addressing these types of allegations.

The men and women who serve in the Coast Guard have a critical mission to keep this country safe and secure. They should be able to carry out their mission without being harassed or bullied and without fear of retaliation when they report abusive behavior.

We need effective anti-harassment and anti-bullying programs carried out promptly and impartially by senior leadership.

This is essential to ensuring that Coast Guard men and women have the workplace they deserve where they can be fully effective in their jobs that frequently require them to put their own lives on the line in the service of our Nation.

The investigative staff report shows that the Coast Guard does not have effective anti-harassment and anti-bullying programs or accountability programs in place.

This failure has harmed individuals like the lieutenant commander who is appearing here today. This failure also may be contributing to an environment in which according to a 2019 Rand study the Coast Guard had a 12 percent lower retention rate after 10 years of service for both female officers and enlisted personnel from 2005 to 2016 as compared to male service members.

As the new chair of the Oversight Committee, let me be clear that whistleblowers are absolutely critical to the committee's mission to combat waste, fraud, and abuse across the Federal Government and I will continue our committee's long bipartisan tradition of supporting them.

Retaliation against whistleblowers is not only prohibited by policy, it is illegal. When other employees see whistleblowers retaliated against, as the lieutenant commander was, they are less likely to come forward themselves to report wrongdoing including national security vulnerabilities.

So, this hearing is extremely important to the national security of our country. I would just like to conclude that I am a strong supporter of the military. I come from a military family. My father

served in World War II, my brother in Vietnam, and my husband during peacetime.

But I am very distressed by these allegations. I am a strong advocate of women in the military. But they cannot serve to their full potential if they face harassment, discrimination, and not responsive environment to the concerns that they bring to the great military that this country has.

I look forward to the hearing today, to your testimony, and to the Coast Guard's testimony, and I yield back.

Mr. RASKIN. Thank you, Madam Chairwoman.

I am delighted now to recognize the Homeland Security full committee chairman, Bennie Thompson, for his opening statement. We are delighted to have you with us.

Mr. THOMPSON. Thank you very much, Mr. Chairman.

I am happy to be here simply because it has been a long time coming. As already been said, this issue should not have taken so long for us to get to this point. But nonetheless, patience is a virtue and I really thank Lieutenant Commander Young-McLear for her perseverance. Most people would have given up.

So, in that spirit, I know it is not easy for any whistleblower to come forward publicly. But doing so after having already suffered retaliation requires exceptional courage, determination, and a commitment to the well being of fellow service members.

Today's hearing is a result of the tireless work and leadership of the late chairman of the Committee on Oversight and Reform, Elijah Cummings, and his dedicated staff.

Throughout his tenure in Congress, Chairman Cummings was a staunch supporter of the Coast Guard. Chairman Cummings served as chairman of the Coast Guard and Maritime Transportation Subcommittee on the Committee on Transportation and Infrastructure from 2007 to 2010 and pushed the Coast Guard Academy to increase its recruitment and retention of cadets from minority communities.

He also was a fierce defender of civil rights and pressed the Coast Guard to root out bullying, harassment, and discrimination in its ranks.

Chairman Cummings knew that the Coast Guard work force needed to reflect the diversity of this great nation and I couldn't agree more.

Congress will greatly miss his leadership in ensuring that the Coast Guard truly is always ready.

I would like to thank Chairwoman Maloney and her staff for picking up and carrying forward Chairman Cummings' work on these issues.

I, too, have long been invested in the success of the Coast Guard and its critical homeland security missions which include maritime law enforcement, drug and migrant interdictions, port security, and the protection of the U.S. security and sovereignty throughout the world.

I have also advocated for the Coast Guard to do more, to do better represent the country it serves and perhaps nowhere is that more important than at the Coast Guard Academy.

The Academy shapes the future leaders of the Coast Guard as the largest source of its officer corps. That is why I am pleased that



this year's Coast Guard Authorization Act incorporated language based on my bill, the Coast Guard Academy Act, which I introduced in June of this year with Chairman Cummings, Correa, and Richmond as co-sponsors.

That language requires the Coast Guard to develop a plan to implement the recruit and retention of minority cadets at the Academy and assess how to implement a congressional nomination process among other measures.

Creating an equitable climate at the Coast Guard Academy for both cadets and faculty is critical to the future success of the institution and the greater service.

Such a climate can only exist if allegations of harassment and bullying are investigated appropriately and when whistleblowers are free to come forward without fear of retaliation.

As such, I am dismayed that the Academy's leadership retaliated against Lieutenant Commander Kimberly Young-McLear after she made complaints about workplace bullying and harassment for years while serving as a faculty member at the Academy.

The DHS Office of Inspector General substantiated the retaliation occurred in a report issued last December. The complaint processes failed her as Coast Guard leadership failed to truly investigate her allegations, which ultimately contributed to the retaliation she experienced.

To date, the Coast Guard has not held anyone accountable for failing to investigate the lieutenant commander's claims or for the retaliation she suffered.

Unfortunately, her story is not an isolated incident. The committee has been made aware of similar recent occurrences of bullying, harassment, inequitable treatment across the service including two other instances of whistleblower retaliation substantiated by the DHS Inspector General.

Lieutenant Commander Young-McLear, again, I am grateful to have you here today to share your story with us. I admire your bravery in coming forward and continuing to share your experiences despite the Coast Guard's repeated efforts to simply turn the page.

It is time for the service to take your experiences and the finding of the DHS Office of Inspector General seriously. Repeated instances of substantiated retaliation demand the commandant's immediate attention.

It is unfortunate that Admiral Shultz refused our repeated requests to testify before the committee today. His refusal to testify today is the latest in a series of actions by the Coast Guard and the Department of Homeland Security to stonewall the investigative efforts of our committee over the past 18 months.

The Coast Guard has produced incomplete and heavily redacted documents related to our committee's investigation without any explanation for the redactions, which is unacceptable.

This document is unacceptable, which you can see on the screen. There is not much you can get from a document produced in that manner. The lack of transparency and resistance exhibited by the Coast Guard and its leadership during the course of our investigation has truly been troubling.

Lieutenant Commander, it is telling that you have the courage to join us today to share your story despite more than four years of adversity and retaliation and, yet, the commandant is not here to speak for the Coast Guard. His absence is telling.

I would like to close by noting that the Coast Guard's biggest asset is not its fleet but its people. If the service does not know how to take care of its own people, it cannot execute its critical mission to protect our homeland.

The climate and cultural challenges at the Coast Guard Academy should not solely alarm the leadership at the Academy but also at Coast Guard headquarters.

The culture at the Academy permeates the rest of the service. That is why it is critical that Coast Guard leadership address this serious matter now.

And in closing, I understand the mission of the Coast Guard and I applaud them for doing a good job. I am a Katrina survivor. A lot of people the Coast Guard helped in my district. A number of hurricanes and other natural disasters—the Coast Guard is always there.

But, you know, we have to get everything right. We just can't get some things right. And so I am concerned that anybody in this country who lives in this country, especially who is a member of our armed services, who has taken an oath of office to defend our rights as Americans also has rights for themselves.

And so it is in that spirit that we need to get this right. I look forward to the testimony from the witnesses and I, again, thank Chairwoman Maloney and others for getting us to this point. It is absolutely necessary for us to get it right.

And I yield back, Mr. Chair.

Mr. RASKIN. Thank you very much, Chairman, for your thoughtful remarks.

We are going to turn now to the introduction of the witnesses and for that I am going to call on Mr. Courtney, who represents New London, Connecticut, and therefore, the Training Academy to introduce his constituent.

Mr. COURTNEY. Thank you, Mr. Chairman, and I want to thank yourself and all the committee members for the opportunity to participate in today's hearing.

It is an honor this morning to introduce Lieutenant Commander Kimberly Young-McLear, whose presence today is another example of her outstanding service to the Coast Guard and her steadfast commitment to the goal of an inclusive Coast Guard where every service member is valued.

I am not going to repeat her gold-plated resume. I want to thank all of the other members on both sides this morning, again, walking through her amazing educational and service accomplishments.

What I wanted to just sort of share is that, you know, having the opportunity and the privilege to get to know her over the last couple years is that it is clear to me that the day she raised her right hand and took the oath to defend and uphold the Constitution of the United States and join the Coast Guard, moving up through the ranks at the Officer Candidate School in New London to, again, become part of the leadership of the Coast Guard, she has made a positive difference at every juncture, whether it is in the service,

whether it is at the Academy on the campus, or whether it is in the community of New London.

I want to thank Mr. Correa for mentioning the fact that she, again, initiated a STEM program for middle school students who are underrepresented in terms of getting into that critical skill set for future opportunities for America's work force.

And I would just note that because of that work she was honored along with her team with the Coast Guard Captain Niels P. Thomsen Innovation Award for cultural change for the great work that she did there.

But I also want to make the point that she is not alone. Today, she is joined by a dozen or so of her colleagues who ventured down from New London to be here today because they know the positive difference that she makes and what she is talking about here today is not an isolated incident.

The IG report clearly documents that we are talking about a systemic issue and again, I want to recognize them, particularly her wife, Gale Young-McLear, who is here today, and because, again, I think every, you know, breath she takes is always focused on advancing the mission of the Coast Guard, I just want to say that that came from—that fidelity to the mission of the Coast Guard came from the fact that she was raised by two parents who are here this morning as well, Andrew and Jackie McLear, who are sitting in the front row, who are both veterans of the U.S. Air Force and, obviously, instilled in her the values of service and commitment to the country.

So, again, we are just so amazed and honored by your incredible service and, as the chairwoman pointed out, I was honored to bring her to the State of the Union Address back in January.

She interacted with dozens of members of the House in uniform. She was an outstanding Ambassador for the Coast Guard and I wrote to the commandant to tell him about that experience—that, you know, again, she should make all of us proud in terms of the work that she does to advance this critical important service that does such great work for our country.

And with that, I yield back.

Mr. RASKIN. Thank you very much.

I know everyone is on the edge of their seat waiting to hear from the lieutenant commander at this point. I want to, in just one sentence, to introduce our other very fine witness, Mr. Jackson Eaton, who is the deputy assistant inspector general for Special Reviews and Evaluations at the Department of Homeland Security Office of the Inspector General. So, Mr. Eaton, thank you very much for joining us.

Lieutenant Commander, you are now recognized for your statement.

Forgive me, but if you would both rise and raise your right hand. I have got to swear you in.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[Witnesses are sworn.]

Mr. RASKIN. Let the record show the witnesses both answered in the affirmative. Thank you.

Please be seated and speak directly into the microphones and, without objection, your written statements will be made part of the record.

And Lieutenant Commander Young-McLear, you are now recognized to give your oral presentation.

**STATEMENT OF KIMBERLY YOUNG-MCLEAR, PH.D., PERMANENT COMMISSIONED TEACHING STAFF, UNITED STATES COAST GUARD ACADEMY**

Ms. YOUNG-MCLEAR. Well, first, good morning, Chairman Raskin, Chairman Correa, Ranking Member Roy, Ranking Member Lesko, and distinguished members of the committees and subcommittees.

Thank you for this opportunity to share with the public and to Congress on the Coast Guard's handling of bullying, harassment, and retaliation allegations.

I am incredibly proud to serve alongside the Coast Guard individuals, thousands of us, who are brave and talented who go to extraordinary lengths to serve and safeguard our Nation.

However, if individuals serving the Coast Guard are not safe in the workplace, whether because they are facing sexual assault, hazing, bullying, harassment, discrimination, and retaliation, then we are actively impeding our ability to carry out our missions fully.

The Coast Guard's lack of accountability, transparency, and integrity with respect to these types of allegations are just some of the barriers to achieving a fully thriving work force.

As it pertains to specific allegations I have made over the past five years, I will testify today about my experiences and the actions of several captains, two senior Executive Service civilians, and seven admirals I believe could have and should have ensured our policies and the law were followed.

I have devoted more than 16 years serving my country in the U.S. Coast Guard. I am currently serving on a new detail at the Cybersecurity and Infrastructure Security Agency, CISA, as a visiting scholar.

Prior to joining the faculty at the Coast Guard Academy, I served in a variety of rewarding assignments including as marine inspector, industrial manager, and special assistant to the deputy secretary of the Department of Homeland Security.

Throughout my career, I have consistently earned the respect of shipmates at both the deck plate level and at more senior levels. In fact, it was not uncommon for admirals and other senior Coast Guard leaders to reach out to me directly, seeking out my expertise and judgment on a range of topics from operations to work force culture.

As you can imagine, I was deeply humbled, honored, and excited when I was first offered the opportunity to serve as a member of the Permanent Commission teaching staff to develop our next generations of leaders.

Once I began teaching, however, I was subjected to degrading comments, often used as a scapegoat, and my work was constantly undermined.

The actions of every individual in my Coast Guard Academy chain of command, including by two admirals, fostered a climate of additional abuse and isolation.

That behavior eventually escalated into bullying and harassment and transformed an exciting work opportunity into a hostile work environment where I was targeted and retaliated against.

By June 2016, after enduring two years of abuse and participating in two disturbingly inadequate and humiliating investigations by the Coast Guard Academy, I was certain that what I was experiencing defied our core values, numerous policies, and even, potentially, laws.

The more I reported the escalating abuses to the chain of command, even above the Academy, the further I was targeted, harassed, and retaliated against.

By March 2017, Admiral Paul Zukunft, the former commandant, received four correspondence detailing years of my allegations. As the abuses against me escalated well into 2018, I had exhausted each of the Coast Guard's civil rights and bullying complaint processes.

Ultimately, the Coast Guard failed to provide a safe working environment and failed to hold those responsible accountable, despite evidence of wrongdoing and knowledge of our culture.

The psychological, emotional, and financial toll this has had on my wife and me cannot be overstated. The suicide rate for active duty U.S. military members in 2018 was the highest on record since the Department of Defense began noting these deaths in 2001.

Given the alarming suicide rates in the military, I, actually we, all have the duty to ensure that our working environments at a minimum are safe from abuses.

For these reasons and more, it is unfathomable and deeply heart-breaking that I was denied a formal written apology and an opportunity to discuss with our current commandant, Admiral Karl Schultz, ways in which the Coast Guard can learn from my case to ensure these abuses never happen to anyone else.

Since the DHS OIG whistleblower retaliation report was released a year ago, many Coast Guard individuals who are overwhelmingly talented devoted people of color, women, and LGBTQ have reached out to me to share their experiences and to convey that these systemic issues up and down the ranks are not unique to the Coast Guard Academy.

I would like to acknowledge the support of courageous colleagues, cadets, and community members. I would like to especially thank my wife, parents, and other family members here in attendance, all of whom are veterans.

To conclude, I would like to acknowledge the tragic loss of Congressman Elijah Cummings. He was a civil rights hero and one of the Coast Guard's most outspoken advocates.

I sincerely hope that my testimony here today can shed light not only on some of the injustices that have occurred within the Coast Guard but also highlight where we can improve our service culture such that we can best serve the American people.

Mr. RASKIN. Thank you very much for your testimony.

Mr. Eaton?

**STATEMENT OF JACKSON EATON, DEPUTY ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS AND EVALUATIONS, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL**

Mr. EATON. Good morning, Chairman Raskin, Chairman Correa, Chairwoman Maloney, Chairman Thompson, Ranking Member Roy, Ranking Member Lesko, and Ranking Member Jordan, and members of the subcommittees.

Thank you for the opportunity to testify today on behalf of the Office of Inspector General for the Department of Homeland Security.

I understand that the subcommittees have been examining the Coast Guard's handling of complaints of harassment, discrimination, and bullying, and that the subcommittees believe our whistleblower retaliation report of December 4, 2018, may provide a case study into the issue.

While I cannot offer an assessment of whether the issues presented in our report are indicative of broader problems throughout the Coast Guard, I am happy to provide an overview of our specific investigation.

When we published our report the name of our complainant was confidential. The complainant subsequently consented to the release of her name publicly and I can disclose that Lieutenant Commander Kimberly Young-McLear, appearing alongside me today, is the complainant from our report.

However, several other figures from the report, including her supervisors and colleagues, have not consented to the public release of their names and I will not be able to confirm or deny even indirectly the identities of these witnesses today.

In July 2015 and over the following 18 months, Lieutenant Commander Young-McLear submitted five sets of both informal and formal complaints alleging discrimination and harassment at the Coast Guard Academy.

Our interest was not in substantiating the merits of these complaints. Rather, it was to examine the Coast Guard's response to them.

Primarily, had the Coast Guard, in violation of the Military Whistleblower Protection Act, retaliated against Lieutenant Commander Young-McLear for making these complaints?

We found that in one case it had. Namely, she received low marks on her officer evaluation report. These marks could not be justified by any documented performance issues. Moreover, none of her peers had received a rating as low as hers and she herself had received higher marks in both prior and subsequent rating periods.

In addition to substantiating whistleblower retaliation on the part of certain Academy management officials, our investigation identified several other issues that are relevant to this subcommittee's hearing today.

For example, after Lieutenant Commander Young-McLear's second complaint in March 2016, the Coast Guard conducted a preliminary inquiry into her allegations. The investigator performing that inquiry recommended that a full administrative investigation be conducted.

However, no such investigation was convened. Instead, Academy officials initiated a more general and relatively superficial climate and culture survey of her academic department.

In addition, a similar situation occurred after Lieutenant Commander Young-McLear complained of further harassment and bullying in January 2017.

At that time, the Coast Guard conducted an administrative investigation which resulted in an outcome memo issued by a Coast Guard admiral addressing the harassment allegations.

While the investigators' conclusions were nuanced, including finding that, quote, "There are several instances in which it seems her chain of command is harassing/bullying her," the admiral's memo characterizing the outcome of that investigation concluded that, quote, "The allegations are unsubstantiated."

The reasons for this admiral's decision, as well as a second admiral's finding that the bullying allegations were also unsubstantiated, are unclear in part because there was no requirement that commanders document their decisionmaking in writing.

Last, although the Coast Guard Civil Rights Manual required complaints of harassment to be treated confidentially to the extent possible, we found that one Academy official continued to discuss Lieutenant Commander Young-McLear and her complaints with colleagues, which may have given the appearance of improper coordination or influence.

We also found that this Academy official demonstrated a lack of understanding of what constitutes discrimination and did not appreciate the distinction between the military equal opportunity complaint process and the Coast Guard's harassment complaint process.

As a result of these findings, we made four recommendations to the department. The Coast Guard has implemented three of them.

Thank you for the opportunity to discuss the important work of the OIG. This concludes my testimony. I am happy to answer any questions you may have.

Mr. RASKIN. Thank you very much, Mr. Eaton, and we will now begin member questioning for five minutes. I am going to start. I want to thank you both for appearing and for your testimony.

Lieutenant Commander, you have handled this whole episode with remarkable dignity and grace, and we want to thank you for standing up to talk about the problems you experienced.

Let me just start a question with you. If someone were just to ask you in nonlegal language do you feel as if the Coast Guard responded in a fair and comprehensive way to the abuse you suffered, what would you say? How would you explain what happened?

Ms. YOUNG-MCLEAR. I would say the Coast Guard did not respond appropriately. In numerous instances there were conflicts of interest with how they assigned investigators.

The adequacy in terms of how in depth they collected evidence, how many witnesses they interviewed was lacking and just, really, just the humiliation of the process itself in terms of violating privacy and just really making a mockery of the process. So—

Mr. RASKIN. Do you feel it was unprofessional?

Ms. YOUNG-MCLEAR. It was unprofessional.

Mr. RASKIN. And do you feel that it was not designed to accomplish an accurate assessment of what actually took place?

Ms. YOUNG-MCLEAR. Yes.

Mr. RASKIN. Mr. Eaton, your office found that Coast Guard officials retaliated against Lieutenant Commander Young-McLear by lowering her officer evaluation report—her performance review—after she raised the discrimination and harassment complaints against her supervisor. Is that right?

Mr. EATON. Yes, sir.

Mr. RASKIN. OK. Can you describe what the evidence was for your finding that she had been downgraded?

Mr. EATON. So, in evaluating the OER, we identified that she had received three ranks of five. There is a numerical scoring on that OER. Those ranks—those rankings were not documented by performance issues.

We also identified that her peers had received numerical ranks of six, which is a higher rating, and that Lieutenant Commander Young-McLear herself had received rankings of six in the ratings period before and subsequent to the rating period that it—

Mr. RASKIN. So, if you think of it like a report card you would see a row of sixes, then she makes her complaint, and then it drops down to three. Is that right?

Mr. EATON. To a five. Three—there were three numerical scores of five. There are a number of different—

Mr. RASKIN. From sixes to fives. Is that right?

Mr. EATON. Right.

Mr. RASKIN. OK. And did this retaliation that you found violate the Military Whistleblower Protection Act?

Mr. EATON. We found that it had, yes.

Mr. RASKIN. You did? OK. And how did that affect your career, Lieutenant Commander?

Ms. YOUNG-MCLEAR. So, I want to clarify. So, as a permanent military faculty member, the perspective that I have is it is—it is really about dignity and the purpose of the document is to accurately to describe what our performances are.

So, that is the first factor is it is supposed to document—it is an official document that is supposed to capture your—the true impact of your performance. Generally speaking, for officers that is really the document that we use in our records to denote who is going to be promoted, unlike the enlisted work force. So—

Mr. RASKIN. It is critical to your promotion—

Ms. YOUNG-MCLEAR. It is absolutely critical and because of a—the scale one through seven and changes between sixes to fives, what may seem subtle to some has a drastic impact in terms of if you are up for recommendations for a command or a promotion.

Mr. RASKIN. OK. So, after the finding of the bullying and harassment and the retaliation, did the Coast Guard correct your officer evaluation report? Did they—

Ms. YOUNG-MCLEAR. So, the corrections were made on the numerical values only after the OIG report.

Mr. RASKIN. After the OIG report. OK. So, it was made. So, now it has been corrected but it wasn't corrected at the time?

Ms. YOUNG-MCLEAR. Yes, only the numerical scores.



Mr. RASKIN. OK. Mr. Eaton, to your knowledge, has the Coast Guard held accountable any of the senior officials which your office found had engaged in the retaliation in violation of the Whistleblower Protection Act in the military?

Mr. EATON. No, it has not.

Mr. RASKIN. OK. In fact, according to the IG's most recent semi-annual report, I quote, "No actions were taken against any of the officials involved in this substantiated retaliation. DHS told OIG that one official retired early this year but was not subject to any disciplinary action regarding this matter."

Mr. Eaton, I thank you and the IG's office for your work, and Lieutenant Commander, I want to thank you for your service to America and your service to Congress and coming forward to discuss this.

And I now yield to Mr. Roy for five minutes for his questions.

Mr. ROY. I thank the chairman.

First say I don't think there is anyone down here who is looking—everybody hear good, the questions? OK.

A quick question for Mr. Eaton. Can a whistleblower come directly to the IG if they believe they have experienced retaliation?

Mr. EATON. Yes, sir.

Mr. ROY. Does the IG provide any training or notices for how a whistleblower can contact the IG? How does that work?

Mr. EATON. Our office has a whistleblower coordinator. There is also a hotline complaint that—hotline number that whistleblowers can contact our office.

Mr. ROY. Other than hearing directly from the whistleblower, how else does the IG become involved in cases of whistleblower retaliation?

Mr. EATON. Generally, it is from whistleblower complaints. I am not aware that there have been any other cases. But if we were referred of an instance, that might be something our office would investigate.

Mr. ROY. When the IG receives a report of whistleblower retaliation, what protocols and procedures do the IG follow to investigate the claims?

Mr. EATON. We have an intake process, sir, where the complaint is evaluated to determine whether it meets a prima facie case of whistleblower retaliation.

If it does, we then open an investigation. If we do not, we may refer that complaint to another component or an office for investigation.

Mr. ROY. OK. In the case of Lieutenant Commander Young-McLear, how did the IG go about investigating the allegations of whistleblower retaliation?

Mr. EATON. After we processed the initial complaint, we opened our investigation. We began with the process of requesting documents in November 2017 and February 2018. We then conducted interviews in May 2018. Mostly in May 2018, sir.

Mr. ROY. How long did the investigation take?

Mr. EATON. It took a little over a year.

Mr. ROY. OK. Did relevant individuals involved in this particular case get an opportunity to review the report prior to its publication?

Mr. EATON. I am sorry. Say it one more time.

Mr. ROY. Did relevant individuals who was involved in the case get an opportunity to review the report prior to its publication?

Mr. EATON. We do not issue a report prior to publication. No, sir.

Mr. ROY. But there—was there any chance for people to review what your report would be, the people who were relevant in the investigation?

Mr. EATON. I am not aware of an ability for them to review the report. They, obviously, were able to answer questions when they discussed the case with our investigators.

Mr. ROY. Did the Coast Guard receive an opportunity to review any report produced by the IG?

Mr. EATON. When we published the report we did provide a copy of that report to the department, which then provides it to the Coast Guard.

Mr. ROY. But after publication?

Mr. EATON. Correct.

Mr. ROY. So, when you were producing your report you didn't go to the Coast Guard to have any input on the report? You just produced the report?

Mr. EATON. For these whistleblower retaliation reports, yes, sir.

Mr. ROY. Did the IG change any part of the report based on any feedback received from any—anyone sought, whether it was the Coast Guard or anyone else?

Mr. EATON. There may have been corrections in the draft as interviews were conducted or documents reviewed. But I am not aware of anything of the kind you are saying, sir.

Mr. ROY. Lieutenant Commander Young-McLear, did you feel that the process that you dealt with respect to the Inspector General was that—did that process work the way you would think it should?

Ms. YOUNG-MCLEAR. Yes, I believe it did. It was a lengthy process and I also did not have any advanced notice as well when the report came out.

Mr. ROY. OK. I don't have any other questions, Mr. Chairman.

Mr. RASKIN. Thank you very much.

Mr. Correa?

Mr. CORREA. Thank you, Mr. Chairman.

Lieutenant Commander Young-McLear, the history of your allegations and harassment and bullying is quite long and complicated due to the Coast Guard's failure to properly handle these allegations from the very beginning, and I would like to, if I can, review a little bit of that history.

July 2015, you contacted a civil rights service provider and indicated your intent to file a complaint under the military equal opportunity process, correct?

Ms. YOUNG-MCLEAR. Yes, that is correct.

Mr. CORREA. However, you engaged in alternative dispute resolution with the Academy dean and reached a resolution agreement. So, you did not file a formal complaint at that time?

Ms. YOUNG-MCLEAR. That is correct.

Mr. CORREA. That is correct. So, no investigation of any allegation was conducted at that time. Is that correct?

Ms. YOUNG-MCLEAR. That is correct.

Mr. CORREA. And then in March 2016, almost a year later, you alleged the resolution agreement had been breached and you were suffering harassment. These allegations were handled under the Coast Guard's anti-harassment process, correct?

Ms. YOUNG-MCLEAR. That is correct.

Mr. CORREA. Then a preliminary inquiry into these allegations found that, and I quote, "This preliminary inquiry does not afford sufficient detail or depth to fairly conclude whether or not prohibited harassment has occurred," correct?

Ms. YOUNG-MCLEAR. That is correct. I was not aware of that information at that time.

Mr. CORREA. How about you, Mr. Eaton?

Mr. EATON. That is correct, sir.

Mr. CORREA. OK. And Mr. Eaton, although the preliminary inquiry recommended that an investigation of the allegations be conducted by someone, and I quote, "credentialed in human resources, EEO, civil rights and/or diversity and inclusion," that didn't happen?

Mr. EATON. That is correct, sir.

Mr. CORREA. And according to the Inspector General's report, no one ever, and I quote, "ordered a subsequent investigation into the allegations" raised by the lieutenant commander. Is that correct?

Mr. EATON. That is correct, sir.

Mr. CORREA. And instead, an admiral convened a climate and culture investigation. Is that correct?

Mr. EATON. Yes, sir.

Mr. CORREA. The committee's investigation has determined that the climate and culture investigation did not look into any specific allegations that the lieutenant commander made and in fact the investigator who conducted the climate and culture told the committee, and I quote, "I was expressly asked not to look at any individual." Is that correct?

Mr. EATON. I am not aware of that specific quote. But I do know that the climate and culture investigation was relatively superficial, as we said in our report.

Mr. CORREA. And yet, an admiral sent an email to the lieutenant commander that said, and I quote, "Based on the command's review of the three inquiries investigations conducted by Dean Colella"—and a couple of other people whose names have been redacted—"we have determined that you have not been subject to substantiated harassment in that the climate and culture of the Coast Guard Academy management department is sound."

This email was completely inaccurate. And yet, when the lieutenant commander tried to ask questions about this conclusion and restate her allegations, she was told by the admiral, and I quote, "We need to move forward." Is this correct?

Ms. YOUNG-MCLEAR. Yes, that is correct.

Mr. CORREA. OK. Lieutenant Commander, explain to me how has this process made you feel?

Ms. YOUNG-MCLEAR. Humiliated. It—

Mr. CORREA. Justice?

Ms. YOUNG-MCLEAR. The Coast Guard processes, no, there has been zero justice in the Coast Guard processes, and even after the release of the OIG report this past December.

Mr. CORREA. You are a loyal patriotic member of the Coast Guard. How did this process make you feel?

Ms. YOUNG-MCLEAR. After filing all the complaints that I did just throughout the long journey since 2014, it was devastating because I was really excited to teach at the Coast Guard Academy.

I was excited about being in a place where I can give back and serve and actually be in one place.

Mr. CORREA. You earned the opportunity to teach at the Coast Guard Academy.

Ms. YOUNG-MCLEAR. Yes.

Mr. CORREA. Thank you.

Mr. Chair, I yield. Madam Chair.

Chairwoman MALONEY. [Presiding.] The chair recognizes Representative Debbie Lesko from Arizona.

Mrs. LESKO. Thank you, Madam Chairman.

First, I want to say to you, Lieutenant Commander Young-McLear, that I am sorry that any of these things happened to you and I appreciate you being here today.

And my question—well, before I do a question, Madam Chair, I ask unanimous consent to enter into the record this DHS response memo to the OIG report, without—

Chairwoman MALONEY. So, granted.

Mrs. LESKO. Thank you very much, and I will just hand it to you.

My first question is for Mr. Eaton. Mr. Eaton, I think you testified that three out of the four IG recommendations have been completed. Is that correct?

Mr. EATON. That is correct, ma'am.

Mrs. LESKO. And which one has not been completed?

Mr. EATON. During the course of our investigation we identified that in the Coast Guard's Civil Rights Manual that it refers service members with whistleblower retaliation complaints to file those complaints with the Office of Special Counsel.

That is actually incorrect. OIG has sole jurisdiction over whistleblower retaliation complaints under the Military Whistleblower Protection Act.

So, we recommended that the Coast Guard correct that. In its implementation memo I think that you just entered into the record the secretary indicated that would be corrected not just in the Civil Rights Manual but a separate discipline and good conduct.

I am not sure if that is the correct name but a separate manual. The Coast Guard has corrected it in the Civil Rights Manual but not yet the second one.

Mrs. LESKO. Well, thank you for that and in our next panel we have the Coast Guard, who can address that as well.

But I also have another question. You had mentioned in your previous testimony or your opening statement, I think, that the Office of Inspector General redacts names in its investigation reports unless you have the clear consent and permission of the people. Is that accurate?

Mr. EATON. That is correct. When we provide our reports to the department—the department's reports—we will unredact the names of certain responsible management officials in the event that the department considers it appropriate to take disciplinary action against those officials.

Mrs. LESKO. And the reason that you redact names is because of what?

Mr. EATON. In order to encourage cooperation from witnesses when we conduct these investigations, including in this investigation we depend on the cooperation of witnesses and responsible management officials themselves.

Mrs. LESKO. And it is my understanding that the report that was published today by the majority party actually named names without asking the permission of the people, you know, to name the names and so that is a little troubling to me and, hence, the reason that I asked the question that I did.

I am going to save my questions—my other questions—for the Coast Guard when they come up to testify.

Thank you, both of you, and I yield back my time.

Chairwoman MALONEY. Thank you very much.

First, I would like to welcome and thank Lieutenant Commander Young-McLear for your service and for your bravery, really, of coming forward.

I also want to make clear in front of all who are watching this that—and, particularly, the Coast Guard leadership, that if as a result of your decision to come forward and speak about what you have experienced you have suffered any form of retaliation you must inform our committee. Retaliation against whistleblowing is illegal and will not be tolerated.

My first question for you, Lieutenant Commander, is was anybody held accountable in this process?

Ms. YOUNG-MCLEAR. No. Nobody was held accountable.

Chairwoman MALONEY. No one?

Ms. YOUNG-MCLEAR. To my knowledge.

Chairwoman MALONEY. And if someone was held accountable, do you think it would be a deterrence for happening to someone in the future, obviously?

Ms. YOUNG-MCLEAR. Yes, absolutely.

Chairwoman MALONEY. And you just went through five years of a really difficult situation. If you had it to do all over again, is there any way you could have made the system work better for you and for other people like you who are bringing complaints?

Ms. YOUNG-MCLEAR. Yes. I think that the civil rights processes to include also how we report bullying is completely broken.

I believe that someone should only have to report allegations once and they should be taken seriously, and we should afford them the opportunity of a thorough investigation that is not riddled in just humiliation.

I think that we have to take a serious look at why we have a culture that, despite evidence, despite the fact that laws were broken, policies were broken, that we are not holding people accountable. And I think until we actually get to a place of accountability, I don't think that we are actually going to improve.

Chairwoman MALONEY. And what would you recommend would be the accountability? Fines? What would you see as the accountability? Removal from office? Reassigned to different offices? What would you see the accountability that might stop this culture?

Ms. YOUNG-MCLEAR. Well, I think, at a—at a minimum, we have policies for virtually everything in the military from if you are doing drugs you should be—and so on.

So, I think that harassing someone shouldn't be treated any differently than any of the other infractions that we have in our service and I think that we need to center on those who are being harmed.

So accountability, to me, looks like if someone needs to be removed from their positions that they don't continue to harm someone to include, potentially, removing them from the service. I think that is definitely worth looking into.

Chairwoman MALONEY. Now, in your experience, you filed several reports where the culture or the Coast Guard reported back that it is not a problem. It wasn't until you filed your complaint to the—to the Inspector General that action that resulted in a fair treatment happened.

Is that correct?

Ms. YOUNG-MCLEAR. That is correct.

Chairwoman MALONEY. So, three times you went through the process. Do you think it would be an improvement if you went to the IG right away instead of waiting five years or four years before—

Ms. YOUNG-MCLEAR. Yes. Based on what happened in my particular case, I thought that working with the Inspector General's office was professional. They had the right credentials and expertise and the outcome was certainly favorable.

The Coast Guard processes were the exact opposite and if I had to do it over again and if I had known about the Inspector General's office at that time, I would have filed sooner with the Inspector General's office.

Chairwoman MALONEY. But you could only file through the Inspector General's office until you had been retaliated against. As I understand it, you can only file to the IG's office for that, for harassment and bullying—well, let me ask you, Inspector General.

Is that correct? Could she have filed a harassment case with your or a bullying case to the IG's office or just a retaliation case?

Mr. EATON. You can file complaints of any sort, in a sense, against—excuse me, you can file complaints to the DHS OIG for any misconduct—waste, fraud, and abuse—including discrimination. However, we don't necessarily take every case.

So, a complaint like that might get referred back to the Coast Guard for action. If it is a case of retaliation that is a complaint that we have a specific unit, our whistleblower protection unit, which handled this case that can look at that.

Chairwoman MALONEY. Lieutenant Commander, if the IG had referred back your harassment case and bullying case, would that have made your life better or worse?

Ms. YOUNG-MCLEAR. Worse.

Chairwoman MALONEY. Worse. So, we have a problem here where the system is not working and if she files she could be retaliated again even more.

I have got to tell you, I admire you and I thank you for coming forward, and I want to ask you what gave you the strength to fight

the Coast Guard for five years for just treatment? Most people would have left.

So, you have tremendous courage and that is maybe one of the reasons why the retention numbers are not good in the Coast Guard—that people just leave if they feel they are not treated fairly.

But you fought back. What gave you the strength to fight back so effectively?

Ms. YOUNG-MCLEAR. My faith, love and support of my family and my wife, cadets. I just know in my heart that the future can be better. But it is going to require us to acknowledge or recognize it and fight for it.

So, I don't actually see it as I am fighting the Coast Guard. I see it as I am fighting for a better Coast Guard.

Chairwoman MALONEY. Thank you, and I yield back.

And the next is Mr. Katko from the great state of New York.

Mr. KATKO. Great state indeed. Thank you very much.

I am troubled by what I hear but I am also—I also think it is important to have this public hearing to discuss the issue, and you can't fix a problem until you raise the awareness and that is what you are doing today, all of you, and I commend you for doing that.

I have had nothing but great experiences with the Coast Guard over my 20-year career as a Federal prosecutor, especially my time in Puerto Rico. They were integral parts of what we did for organized crime and our parking lot at the U.S. Attorney's Office in Natorre was loaded with fast boats and things the Coast Guard seized from boats coming directly over from Colombia, which is only 500 miles away.

So, I know the value of the Coast Guard and its importance to our national security and the security of our country. So, for you and all the other members out there that are members of the Coast Guard, I want to thank you for your service and tell you to keep chugging.

I am also glad to hear, Lieutenant Commander, that you are at CISA. I am chair of the Homeland Security Cybersecurity Subcommittee, or ranking member, and that is a critically important component of homeland security and I am glad to see people of your caliber are there and we need you there and I hope you want to stay there for a while because it is very, very important what you are doing there.

I am trying to get a feel for a couple of things. I want to talk about whether you have seen—what you have experienced at the Academy to your detriment is—is it confined to the Academy itself or is it a broader problem within the Coast Guard?

I know you have been in other posts besides that. So, can you tell me what your take is on that, whether it is just the Academy where the problem is or is it a pervasive problem?

Ms. YOUNG-MCLEAR. Yes, sir. So, from my experience, I have been in the Coast Guard for 16 years and before I was stationed at the Coast Guard Academy I was involved in a lot of diversity and inclusion initiatives.

When I actually reported to the Coast Guard Academy in 2014, there wasn't a Leadership Diversity Advisory Council, or an LDAC, stood up.

The charter of the LDAC that was mandated Coast Guard wide in 2011 and it basically stated it is a group that is chartered to assess the climate and provide advice to the command on how to improve the climate.

So, it was just one of the indicators that I noticed that was lacking at the Coast Guard Academy, which was supposed to be a leadership hub for the entire service.

But I can say without a doubt and without hesitation that it is pervasive across our service. I am not saying that every individual in the Coast Guard experiences harassment. I am not saying it is pervasive in every unit.

But I think we have to lead from a systemic perspective. So, at the Coast Guard Academy I was—in my chain of command there was an assistant superintendent, one-star admiral. The commanding officer is a two-star admiral.

We have a board of trustees led by predominantly admirals and senior Executive Service civilians. Above that we have deputy commandant of mission support, which is a three-star admiral, and so on.

So, if you really look at what are the behaviors and how did people actually respond to my allegations, it far exceeds the Academy just in my singular case alone.

Then you really kind of look at that across the board and you say, well, if it is happening to a lieutenant commander who has her Ph.D., who worked for the deputy secretary, and so forth, who is passionate and dedicated, how are—how are we to say that it is not happening to other people who don't have the financial resources, who don't understand the convoluted EEO processes and the bullying processes, who don't have the psychological support, the family support, and so on?

So, since the OIG report has been released, dozens of people have contacted me articulating that it is not isolated to the Coast Guard Academy, and just from my own personal experience serving in the Coast Guard for 16 years on what I have seen.

So, I want to definitely be clear that I am not here to solely speak about the negative experiences I have had. But I have also been privy to a lot of the initiatives that I am confident Vice Admiral McAllister is going to be testifying about because I have been on the forefront of a lot of those initiatives.

In my opening statement I talked about it was routine for admirals to contact me to seek out my opinions and advice on our culture and that is—literally, a couple of days ago I got an admiral from—an email from a two-star admiral asking about what can we do to improve our culture and foster a little bit more transparency.

So, just from that lens alone, I have been privy to initiatives at Coast Guard headquarters. I have mentored officer candidates through OCS, through our program, attending HBCUs, and so on.

So, I am passionate about our service. I am passionate about our work force. And through those avenues I can say without a doubt that we have some cultural issues and we have to get to the bottom of why we have so many senior executives that are disregarding factual information and they also know it is actually causing harm to our people.



Mr. KATKO. Thank you. That is an excellent summary and it gives us a good idea of what is going on.

I know I am going to be out of time and, unfortunately, I am not going to be here for the second panel. So, I hope one or more of my colleagues delve into this with the next panel.

I will note the other question I wanted to ask and hope one of my colleagues does ask it is, Mr. Eaton, I think you noted during your testimony that four or five—at least one of the recommendations had not been implemented yet and perhaps someone can ask that question and tell us why it hasn't been implemented.

And with that, I yield back. Thank you.

Chairwoman MALONEY. Thank you.

The chair recognizes the chairman of the Homeland Security Committee, Representative Thompson.

Chairman THOMPSON. Thank you, Madam Chairman.

I think everyone on this panel agree that harassment, bullying, and retaliation is illegal. It is against the law, very clear.

As I look at the composition of this panel, I would venture to say the majority of us wouldn't be here if it were not for civil rights and other kind of laws on the books. That is a fact of who we are.

Women wouldn't be able to vote had it not been for an opportunity to have a nation of laws to institute a lot of these things.

So, Lieutenant Commander, a reference was made earlier to a partnership between the Coast Guard Academy and the University of Southern California, and part of that report talked about black and African-American cadets disproportionately have a high share of disciplinary actions.

Are you familiar with any of that?

Ms. YOUNG-MCLEAR. Yes, I am, Congressman. I actually was on the original group that came up with the indicators to do the prework for that report.

Chairman THOMPSON. OK. So, you are familiar with it.

So, what about the findings of that report in general about the status of minority cadets at the Academy? Were they treated differently or anything like that?

Ms. YOUNG-MCLEAR. Yes. The data that was in the Vital Signs report is consistent with the observations that faculty and staff have been making for quite a long time.

Chairman THOMPSON. So, to your knowledge, based on what that report said, are you aware of any substantive undertakings the Academy did to institute some corrective action?

Ms. YOUNG-MCLEAR. So, at the Coast Guard Academy, they do have an equity task force that was chartered, I believe, by Admiral Rendon shortly after the report was released.

And I want to kind of differentiate between a couple of different concepts. So, the report was looking at equity data specifically for cadets and it was a Vital Signs report. It wasn't a full equity scorecard, meaning that if you are looking at the ecosystem of the Coast Guard Academy it excluded faculty. It excluded staff.

If you are enlisted in an admin shop, for example, your data was not included. My data as an officer was not included.

So, with that said, I challenged the group to really think about what are the root causes of what is creating these equity gaps, because if we don't understand, for example, how climate or retalia-

tion, harassment, those types of behaviors are contributing to equity gaps, then you are not going to know how to actually solve it.

Chairman THOMPSON. So, and I—what I am getting to is that there was some documented evidence that something was wrong at the Academy.

Ms. YOUNG-MCLEAR. Yes.

Chairman THOMPSON. To your knowledge, after that documented knowledge was made available, what issues did—are you aware of that other whistleblowers had to endure?

Ms. YOUNG-MCLEAR. I am sorry. Are you—

Chairman THOMPSON. Well, I guess the question is are you aware of other whistleblowers at the Academy.

Ms. YOUNG-MCLEAR. I understand. So, the Vital Signs report collected data from 2015 to 2018. During that same exact time period is when we have had an extraordinarily high amount of climate issues at the Coast Guard Academy on both faculty, cadet, and staff areas.

Just one example, there was a company officer that used a racial slur and there were other instances that occurred. So, it is not unreasonable to connect the climate incidence of harassment with also the equity gaps that were occurring at the same time.

Chairman THOMPSON. Mr. Eaton, are you aware of any other whistleblower complaint filed against the Academy?

Mr. EATON. I don't want to talk about what investigations we may have under investigation. But—

Chairman THOMPSON. Yes? I am saying yes or no.

Mr. EATON. I am not aware of any.

Chairman THOMPSON. You are not aware of any? OK.

So, with your report, you have indicated that three of the four items the Coast Guard has corrected. Am I correct? Your recommendations.

Mr. EATON. That they have implemented them. Yes, sir.

Chairman THOMPSON. All right. Tell the committee exactly what those three were.

Mr. EATON. The first was to correct Lieutenant Commander Young-McLear's negative OER. They corrected those numerical scores.

The second recommendation was that commanders should be required to document their decisionmaking when making findings and outcomes memos. That has been implemented both through service wide announcement and updates to training slides.

And third, we recommended the Coast Guard require supplemental training into discrimination, harassment, and bullying policies, how to handle those types of allegations, and the importance of discretion in handling those allegations, and that has also been implemented through a service wide announcement and updates to their training materials.

Chairman THOMPSON. So, your testimony is that all that has been done?

Mr. EATON. They have—they have met our recommendations—our specific recommendations. Yes, sir.

Chairman THOMPSON. Well, Lieutenant Commander Young-McLear, are you familiar with those recommendations?

Ms. YOUNG-MCLEAR. I am familiar with the recommendations. Yes, sir.

Chairman THOMPSON. Are they presently, to your knowledge, being adhered to?

Ms. YOUNG-MCLEAR. Not all of them, to my knowledge. So, with respect to my Officer Evaluation Report, the recommendations did say to address the numerical scores. The evaluation is actually a two-part. There is a written narrative that I have also requested to have corrected.

And with respect to the training, the only online training I am familiar with was for anti-harassment and, by definition, that is a protected class.

Bullying is not a protected class, and since my case specifically dealt with a lot of bullying and one of the members had mentioned that my case could potentially be used as a case study, so having gone through years of this type of abuse the training that the Coast Guard implemented online is woefully inadequate and I am convinced to this day that people in the Coast Guard actually don't know the difference between bullying and harassment.

Chairman THOMPSON. Thank you.

I yield back, Madam Chair.

Chairwoman MALONEY. Mr. Cleaver is recognized for five minutes.

Mr. Cleaver from Missouri?

Mr. CLEAVER. Thank you, Madam Chair.

I have been here for 14 years, 15 in January, and I have never gotten into an argument at a committee and I don't scream at people. I don't like, you know, getting into this back and forth.

I do feel compelled to say that I, like most Members of Congress, have never gone to an impeachment hearing. I am here every day. I live across the street. I walk over here every day.

I have never even seen a complete hearing on television because, like most Members of Congress, we are working, trying to do our jobs.

And so I don't want those of you here to assume that we are consumed by impeachment. I don't—I don't even know where they are holding hearings. I am assuming in—over in Longworth somewhere. I don't—whatever. I don't—I am not there.

And so I don't want anybody thinking, you know, that we don't have time to do anything else. We do. We are doing something now, and we also passed the Equality Act, Paycheck Fairness Act, Save the Internet Act, Enhancing Background Checks—my bill, which would limit what debt collectors can do to debtors.

And my second statement is I can have some sympathy for and express some compassion on allegations just simply because of what I have been through with my staff experientially.

I have a member of my family who was raped in the Army. Three years ago I was—I couldn't even say that publicly, and I saw what happened to her. It took 10 years, most of those with expensive therapy, before she got justice and she watched while she was—her life was in—you know, in mass confusion—the person who had done this to her be elevated to captain.

And so after sitting here for a moment, I thought maybe I will need to leave because I am—I get too emotional about this. And so

forgive me if I am coming across like that but I don't think that I will ever, and I hope my colleagues would note, and I believe that they will as well never just automatically assume that a complainant is somehow mistakenly looking at situations and, you know, they just need to try to get it cleared up in their heads.

So, well, nobody said that in here. But I have been dealing with this in my family and so I know what is sometimes said.

My final statement that—actually I guess it is more of a question—I know, Lieutenant, that there are things that, you know, you would like to make sure we hear. Is there anything that you would like for us to hear that you have not been asked?

Ms. YOUNG-MCLEAR. Yes, and thank you for that, and I am definitely sorry to hear about what happened with your family member.

Throughout this horrible journey since 2014, there has been kind of this tone within the Coast Guard of what happened to me was isolated and there has been this dismissive tone, and the more I elevated these allegations and incidents were escalating the more the Coast Guard uses authority to retaliate and harm me, all the while saying after the OIG report came out in December that it was isolated.

So, what I really wanted to take a moment just to say is that it is not isolated and it is happening across the Coast Guard, and one of the reasons why I chose to come forward publicly is because I knew that there were other people out there than I had even met myself through just mentoring and different types of outreach.

And since coming public this past summer a lot of people have contacted me and there is a couple of people I actually want to acknowledge by name and they have asked me to do so. So, I am just going to take a second.

I did want to publicly acknowledge Rhonda and Paul Mazingo. They are parents of William Mazingo. He was a fireman apprentice in the Coast Guard and recently discharged, and they actually set up a support group for families on Facebook to make sure that folks on the enlisted side are—they have an outlet to deal with hazing and bullying. So, I want to acknowledge them for their efforts and everything that their family has gone through.

And I also want to acknowledge Katie Hazelwonder, who spent time—seven hours, I believe—driving here directly to be here in this room today.

But those are just two examples of folks that have been through a lot, folks who are dedicated, who care about this country and, unfortunately, because of our culture and our processes, they will never really be afforded the opportunity to sit in this seat and to speak.

So, I just wanted to acknowledge that there are many survivors out there and my case is an example in so many ways on what we need to learn from it to make sure it doesn't happen to anybody else.

Mr. CLEAVER. Thank you, Ms. Chairman.

Chairwoman MALONEY. Ms. Kelly of Illinois is recognized.

Ms. KELLY. Thank you, Madam Chair, and thank you to the chairs and the ranking members for holding this subcommittee, and thank you to the witness for your courage and your advocacy.

On February 3, 2018, the deputy commandant from Mission Support at Coast Guard headquarters received an allegation that the head of the management department had bullied another employee in the department.

The civilian Coast Guard employee that investigated this other complaint submitted a memorandum to the deputy commandant on March 26, 2018.

The investigator stated that the management department had, quote, "exercised poor judgment and unprofessionalism in his interaction with the other department employee."

On April 10, the deputy commandant began discussing the investigation with then superintendent of the Academy. They discussed a final action memo and an administrative letter of censure.

The updated unsigned letter of censure was addressed to the department head and attached to an April 11 email from the deputy commandant to the Academy superintendent.

The letter of censure read, in part, that the management department head is, quote, "hereby censured for his failure to exercise the judgment and leadership expected of a senior officer."

It added, and I quote, "The information uncovered during the administrative investigation is particularly troubling in light of the recent history of allegations regarding poor climate in the management department."

Mr. Eaton, did the Inspector General's office contact Coast Guard attorneys to request an interview with the Academy superintendent on April 19?

Mr. EATON. Without identifying the particular identity or position, we did contact the Academy on April 19, 2018, requesting interviews from several officials.

Ms. KELLY. And according to your report, and I quote, "The Academy staff judge advocate was informed of those interviews no later than April 20, 2018." Is that correct?

Mr. EATON. That is correct.

Ms. KELLY. The same day, April 20, the deputy commandant sent a final action memo to the former Academy superintendent regarding the department head. It stated that the department head's actions, and I quote, "constituted bullying."

I note that the deputy commandant who found bullying in this case is the same official who found that Lieutenant Commander Young-McLear had not been bullied, even though an investigator who examined the lieutenant commander's case found evidence that bullying had occurred.

The day after the Academy's legal office was informed that the Inspector General's office was investigating possible whistleblower retaliation on April 21, the lieutenant commander's transfer from the management department was made permanent.

Mr. Eaton, on April 23 did the Inspector General directly contact the dean and other officials at the Academy to request an interview?

Mr. EATON. We did contact at least two officials on that date.

Ms. KELLY. According to the documents reviewed by the committee, the next day on April 24 the dean requested and former superintendent approved the removal of the management department.

So, for nearly three years no adverse action was taken against the person who Lieutenant Commander Young-McLear accused of harassment and bullying, even though an investigator found bullying had occurred.

Then one day after Academy leadership was notified of an Inspector General's investigation, the department head was relieved of his duties.

The committees also found no evidence that the letter of censure was ever executed or provided to the department head.

I am glad the Coast Guard finally took action but I hope it does not always take an investigation by the Inspector General for the Coast Guard to take action on substantiated harassment and bullying.

And I yield back my time.

Chairwoman MALONEY. OK.

Mrs. Coleman—Representative Coleman from New Jersey?

Watson Coleman?

Mrs. WATSON COLEMAN. Thank you very much, first of all, Lieutenant Commander. Let me commend you, thank you, for your bravery, your courage, and your love of this country that you would stand up the way you have.

Let me just say that from everything that I have heard and everything that I have read thus far, the Coast Guard does have a problem in both the Academy and perhaps in its—in the other areas.

I looked at the statistics with regard to the underrepresentation of African Americans in particular as a member of the class and then I see that they are disproportionately disciplined.

I look at the underrepresentation of minorities in particular in the faculty and staff, and it is very concerning.

You filed a discrimination complaint at some point, did you?

Ms. YOUNG-MCLEAR. Yes, I did.

Mrs. WATSON COLEMAN. Was it based on your race, your sex, and your marital status?

Ms. YOUNG-MCLEAR. Yes, and also prior EEO activity.

Mrs. WATSON COLEMAN. And was it ever investigated separate and apart from the harassment complaints and the bullying complaint? Was there a parallel investigation taking place at any point?

Ms. YOUNG-MCLEAR. Yes. It started in parallel and ultimately the Coast Guard civil rights directorate they have a contractor who does those investigations. So, I also did that process as well.

Mrs. WATSON COLEMAN. And so what happened as a result of your discrimination complaint—your EEO—

Ms. YOUNG-MCLEAR. So, I received the final agency decision back, which said that I did not provide enough evidence to substantiate my case, and then I also filed a DHS civil rights appeal and that was later denied.

Mrs. WATSON COLEMAN. And so do you have any other avenues of appeal of that?

Ms. YOUNG-MCLEAR. No. That was it.

Mrs. WATSON COLEMAN. And who made these decisions? Who made these findings that you had insufficient evidence?

Ms. YOUNG-MCLEAR. So, the Coast Guard findings were made by the head of civil rights. So, that would be Ms. Terry Dickerson, and then for the DHS civil rights that would be by Ms. Veronica Venture.

Mrs. WATSON COLEMAN. You are currently working for the Department of Homeland Security and Cybersecurity.

Ms. YOUNG-MCLEAR. Yes.

Mrs. WATSON COLEMAN. Is that where you want to be?

Ms. YOUNG-MCLEAR. Yes. Yes.

Mrs. WATSON COLEMAN. Do you not—you do not want to go back to the Academy to teach?

Ms. YOUNG-MCLEAR. I actually do want to go back to the Coast Guard Academy. I am very passionate about education and being a role model and I believe in our future generation. So, I will be returning to the Coast Guard Academy.

Mrs. WATSON COLEMAN. Do you know that that is going to happen?

Ms. YOUNG-MCLEAR. Yes. I am on a two-year detail so I will be reporting back in the summer of 2021.

Mrs. WATSON COLEMAN. Are any of the people that were responsible overseeing your—part of your agency going to be there that were there?

Ms. YOUNG-MCLEAR. When I return back?

Mrs. WATSON COLEMAN. Yes.

Ms. YOUNG-MCLEAR. Yes. Some of them will still be there.

Mrs. WATSON COLEMAN. To your knowledge, have any of them had the opportunity to be trained or admonished or held accountable?

Ms. YOUNG-MCLEAR. To my knowledge, nobody has been held accountable for the years of abuse that I sustained.

Mrs. WATSON COLEMAN. To your knowledge, has there been any sufficient training on how you would acknowledge and respond to cases that are filed based on race, creed, color, national origin, ancestry, sex—all that stuff that is in the civil rights laws?

Ms. YOUNG-MCLEAR. To my knowledge, no, and I would also add that there has been misinformation in Coast Guard's civil rights training delivered on the campus itself.

Mrs. WATSON COLEMAN. Mm-hmm. With that in mind, Mr. Eaton, did you all make recommendations about training in that area? I recalled you saying you did.

Mr. EATON. Our specific training recommendations were that, first of all, that there should be supplemental training required for Coast Guard members on the policies of discrimination, harassment, and bullying.

Mrs. WATSON COLEMAN. And what about discrimination based on your race and your sex and your—you know, those things under the Civil Rights Act?

Did you—did you have any findings and recommendations with regard to that? Because it seems to me that that is the big elephant in this room, and we keep talking about bullying, harassing, and things of that nature and we haven't really talked about why she was necessarily bullied and harassed?

Was it her marital status? Was it her race? Was it her sex? Have we not dealt with that? That seems to be an illness in the Coast Guard that we are not treating. So, did you specifically?

Mr. EATON. We did not make specific recommendations for race-based discrimination training.

Mrs. WATSON COLEMAN. OK. Well, you miss a great opportunity to do that and I don't know who is responsible for doing that.

But I think that Congress has a responsibility to ensure that there is that kind of training and that kind of sensitivity and that kind of oversight and that kind of accountability because those things exist, and Lieutenant Commander was not bullied because she existed.

She was bullied and harassed for reasons that are related to who she is, what she is, and what the law says she is.

I yield back.

Ms. OCASIO-CORTEZ.[Presiding.] Thank you. The chair now recognizes Ms. Demings of Florida.

Mrs. DEMINGS. Thank you so much, Madam Chair, and to our witnesses, thank you so much for being here.

Lieutenant Commander, it is good to see you again.

Let me just preface my questions with this. I believe that I worked with some of the finest men and women in law enforcement. The overwhelming majority of the work that they did was exemplary.

But you know what? Sometimes we messed up. Sometimes we didn't get it right. Sometimes we failed, and there were sometimes when the policy as written failed us. And regardless of what happens, whether it is policy or individual, we have an obligation to try to get it right.

Lieutenant Commander, as you have already indicated, we are all proud of the Coast Guard. We don't need to justify that today.

I am from Florida. We are all proud, and providing oversight does not mean that we are abandoning the men and women who we depend on.

Providing oversight gives us the opportunity to identify strengths and deficiencies and, believe me, we have an obligation to do both.

So, I thank you for being here today and I hate to say that I thank you for your courage because we ought to create an environment where people who have been wronged don't have to be courageous as we know it to come forward.

But in the environment that we have contributed to here in Congress, today's world, I thank you for your courage in coming forward because, as you well know, it is not just about you. It is about the men and women who will follow you.

So, I know we have already discussed it but let me go back to Lieutenant Commander. So, in March 2016, you raised allegations of harassment that were handled under the Coast Guard's anti-harassment process. Is that correct?

Ms. YOUNG-MCLEAR. That is correct.

Mrs. DEMINGS. A preliminary inquiry of those allegations found that, and I quote, "This preliminary inquiry does not afford sufficient detail or depth to fairly conclude whether or not prohibited harassment has occurred." Is that correct as well?

Ms. YOUNG-MCLEAR. That is correct.



Mrs. DEMINGS. The individual who conducted the preliminary inquiry recommended that an investigation of your allegations be conducted. Is that correct?

Ms. YOUNG-MCLEAR. That is correct.

Mrs. DEMINGS. Instead, however, an admiral convened a climate and culture investigation of the department in which you worked. Is that correct?

Ms. YOUNG-MCLEAR. That is correct.

Mrs. DEMINGS. Mr. Eaton, according to your report, the climate and culture investigation, and I quote your report, “was not an equal substitute for an investigation into complainant’s specific allegations.” Is that correct?

Mr. EATON. That is correct.

Mrs. DEMINGS. Your report also stated that the manner in which the investigation was conducted raised questions about the depth and objectivity of the fact finding. Is that correct?

Mr. EATON. That is correct.

Mrs. DEMINGS. The committee’s investigation examined how the manner in which the climate and culture investigation was conducted lacked depth and objectivity. Is that correct?

Mr. EATON. I am not familiar with the committee’s investigation.

Mrs. DEMINGS. The investigation found that the department head accused of bullying—the allegation that was supposedly under investigation and the climate and culture survey was involved in scheduling interviews on behalf of the investigating officer with department personnel. Is that correct?

Mr. EATON. We received testimony that he was—I think he was one of the witnesses where it is, quote, “lingering” in the department space where those interviews were taking place.

Mrs. DEMINGS. Lieutenant Commander, were there other ways in which the climate and culture investigation seemed to lack depth and objectivity? Could you explain some of those other ways that you believe it lacked depth and objectivity?

Ms. YOUNG-MCLEAR. Yes, and just to clarify, when I was initially briefed by the dean on the outcome of the April 2016 investigation, I was told verbally that it was not substantiated.

I did not find out through other means down the road of what the memorandum actually said. So, I actually asked the dean what was the purpose of doing the culture and climate investigation if my allegations were to be unfounded, and he didn’t really provide me an answer.

Other ways in which the culture and climate administrative investigation was inadequate, and I have stated this before, but it was a humiliating process.

The department is approximately 13 people and it is not difficult to figure out who is who, even if you don’t use people’s names.

So, it was incredibly humiliating and intimidating for a one-star admiral to come in after the April 2016 investigation was flimsy and inadequate.

My witnesses were not interviewed and he revealed—the admiral revealed confidential information from my resolution agreement and he basically suggested that it was going to be a superficial investigation.

He looked forward to us getting back to work. So, I already knew that the investigation was going to be substandard and it was also humiliating on top of that, and that also further drove into mental health challenges that I had and at that point I was already enduring two years of abuse.

So, not only was it inadequate but it was humiliating. It was demeaning and it was completely unnecessary, and had the Coast Guard actually invested the resources to do an effective and proper and thorough investigation the first time I never would have been subjected to all the years of abuse after that.

Mrs. WATSON COLEMAN. Thank you so much. I am out of time and I yield back.

Ms. OCASIO-CORTEZ. The chair now recognizes Ms. Norton of the District of Columbia.

Ms. NORTON. Thank you very much, and I would like to say to you, Lieutenant Commander, that your courage in coming forward deserves change enacted from this committee.

And I would also like to say that you should notify us if you experience any retaliation as a result of coming forward here today.

I am a former chair of the Equal Employment Opportunity Committee and I have been trying to understand how the Coast Guard handles complaints, and I must tell you all I see is a lack of due process.

Before I came to the commission, sexual harassment or harassment, as we call it, was not even noted as a violation of Title 7. We had the appropriate hearings and there are now thousands of complaints that come and this is, of course, on the civilian side at the—every year.

So, I am really perplexed. This so-called service—sorry, civil rights service provider—here is this person who, as I understand it, is the intake for civilian equal employment and military—equal employment cases. Is that not the case?

Mr. EATON. We didn't get into that level of detail. We weren't, Congresswoman, taking a look at the broader—

Ms. NORTON. Well, here is what—here is what we have found in the Civil Rights Manual—that they are required to assist commands, employees, and military members—all three—in complying with the procedures outlined in the anti-harassment policy.

So, let me ask the lieutenant commander. Was it ever a challenge that the same civil rights provider was providing information on the anti-harassment process to both you and the command at the same time?

Ms. YOUNG-MCLEAR. Yes. The position of the civil rights directorate and civil rights providers they are supposed to be neutral. But I did perceive times where I felt that it was not neutral.

Ms. NORTON. There is the person who is in charge and then you are talking to somebody who has alleged harassment. I begin to see that the committee has a due process challenge and that goes to structural issues beyond the individual who may be involved.

Did the civil rights provider ever discuss with you the reaction to your allegations expressed by the Coast Guard admiral who was responsible for handling the complaint?

Ms. YOUNG-MCLEAR. Yes, he did.

Ms. NORTON. What did—what did he say?

Ms. YOUNG-MCLEAR. He expressed that after I filed a complaint it would have been around May 2016 that the one-star admiral had come into his office, seemed agitated and upset and was pacing his office, frustrated that I had entered into the process.

Ms. NORTON. Did you go to the same civil rights provider to discuss filing a military equal opportunity complaint?

Ms. YOUNG-MCLEAR. Yes. That is the same person.

Ms. NORTON. That is the same person? I want to note for the committee that the admiral who was in charge of resolving one of the lieutenant commander's allegations stated that he had found it, and here is his words, "awkward to have the same individual providing information to both complainant and command."

He recommended, and here is what the admiral recommended, "I think the Coast Guard would be well served to create a EE specialist cadre that serves the command and, more importantly, an EE specialist cadre that are supportive and serve the complainant separately to make sure their concerns are addressed."

Do either of you have a reaction to the admiral's recommendation?

Mr. EATON. No. No, Congressman, I don't.

Ms. NORTON. Even in light of what you have heard, sir?

Mr. EATON. I—

Ms. NORTON. And hear it comes from an admiral?

Mr. EATON. Our report was looking at the allegations of retaliation.

Ms. NORTON. And not at remedies?

Mr. EATON. And we identified issues in the course of our investigation dealing with many of the problems that you have mentioned. But our report did not go further than providing recommendations about those issues.

Ms. NORTON. How about you, Lieutenant Commander?

Ms. YOUNG-MCLEAR. I think their processes are so convoluted and there aren't any firewalls between the—I filed multiple complaints and that problem was persistent the entire time through 2016 and through 2017 as well and I think it is—that particular admiral who made that recommendation was also intimidating and violated my privacy. So—

Ms. NORTON. Well, maybe he saw that something should be done.

In any case, I think this subcommittee sees that something that should be done. So, again, I very much appreciate your coming forward.

And, Madam Chair, I think that if we—if this subcommittee doesn't do more than simply expose the problem but doesn't come forward with some remedies, then I am not sure what we are here for.

Thank you very much.

Ms. OCASIO-CORTEZ. The chair now recognizes Mr. Clay of Missouri.

Mr. CLAY. Thank you, Madam Chair.

Mr. Eaton, the office of the IG has identified several instances in which parties named in Lieutenant Commander Young-McLear's January 2017 complaint discussed her complaint with officials at Coast Guard headquarters who were responsible for investigating and resolving the complaint.

You stated in your prepared testimony that these interactions created the appearance of improper coordination or undue influence by certain senior Academy officials and the IG's December 2018 report states that one Academy official in particular likely violated the Coast Guard's Civil Rights Manual's requirement to respect the confidentiality of individuals reporting harassment.

I would like to briefly go over a couple of the interactions that were described in your report and in documents that were provided to this committee.

On July 11, 2017, a person you have identified as Academy Official Two emailed another named party in the lieutenant commander's complaint, writing that he had heard from another official that the case had been completed.

He wrote, and I quote, "Do you have any visibility? Just wondering if this is possibly (finally) settled." Is this an accurate description of the email your office reviewed?

Mr. EATON. That is correct, sir.

Mr. CLAY. Does this exchange appear to violate the Civil Rights Manual's provision regarding confidentiality?

Mr. EATON. It appears to likely violate it. Yes, sir.

Mr. CLAY. And was any disciplinary action taken for that violation?

Mr. EATON. No, sir.

Mr. CLAY. OK. On July 12 of 2017, the same Academy official sent another email, which read that he saw headquarters Admiral Two, quote, "in the gym this morning. Like all of us, he is frustrated," end of quote.

What is your impression of this exchange?

Mr. EATON. It should not have taken place. It likely violated—

Mr. CLAY. Yes. Should a—should a named party in a harassment and bullying complaint be discussing the complaint at the gym with the person in charge of adjudicating the complaint?

Mr. EATON. No, sir.

Mr. CLAY. You know, all of this sounds real messy and very inappropriate. Have you brought it to the attention of the hierarchy of the Coast Guard that this is not the norm and that this—and that action should be taken to discipline these people?

Mr. EATON. We have provided the report to the Coast Guard. One of our recommendations including—included supplemental training on the importance of discretion. We leave disciplinary decisions up to the Coast Guard.

Mr. CLAY. OK. So, the Civil Rights Manual instructs commanding officers to, quote, "Respect the confidentiality of individuals reporting harassment or providing information relating to harassment to the extent permitted by law and consistent with good order and discipline."

In your experience, why is protecting complainants' confidentiality so important?

Mr. EATON. In one part, so as not to deter them from coming forward and making complaints and also to ensure that not just the complainants but everyone else has confidence in the integrity of the process.

Mr. CLAY. OK. And to finish up, Lieutenant Commander Young-McLear, can you add anything to what—to my line of questioning

and how you viewed and how you felt about this back and forth that was going on?

Ms. YOUNG-MCLEAR. Yes. I think that it just speaks to the culture. So, those two individuals are admirals and I want to just comment on if certain individuals were held accountable. I actually want to add that some individuals were actually rewarded.

So, one of the individuals in the report went on to be selected for a prestigious district assignment. So, I want to be clear on that aspect.

So, that ties right back into the culture. Not only are we not holding people accountable; we are actually rewarding people.

And I think that is how we have cultures where you have two admirals making those types of inappropriate comments, and throughout the report it is clear that there is a very derogatory tone and attitude, and they simply did not want me to continue to exercise my voice to say that this is unacceptable.

So, I think that that reflects, really, the urgency of what I am trying to bring forward is because it is not an isolated situation and if people are acting that unprofessional and causing that much harm with no regard to the value of their shipmates, it is not going to stop.

Mr. CLAY. Thank you both for your responses.

I yield back, Madam Chair.

Ms. OCASIO-CORTEZ. The chair now recognizes Mr. Courtney of Connecticut.

Mr. COURTNEY. Thank you, Madam Chair.

Again, I just want to start, very quickly, just to foot stomp Mrs. Demings' comments about the fact that this hearing is not, you know, an attack on the Coast Guard writ large.

Again, there is strong bipartisan support in the House for the mission of the Coast Guard. I co-chair the bipartisan Coast Guard Caucus.

Just a few days ago, 70 of us joined together to write a letter to the conferees on the Coast Guard Reauthorization Act—Mr. Thompson, I am sure, is one of those—to make sure that there is going to be total parity between the Coast Guard and the other military branches in the cases of a government shutdown, which was an outrage that took place last January.

However, if there is a problem we just need to face up to it and fix it, and that really is what—you know, Lieutenant Commander led the way in terms of starting this process and the OIG report certainly validated.

Mr. Eaton, I just want to verify, on Page 6 of your testimony today, again, you stated that the OIG is actually not finished at this time in terms of their review of Coast Guard issues in terms of race-based harassment—that, in fact, there is an ongoing investigation that is happening right now. Is that correct?

Mr. EATON. That is correct. It is, obviously, not a whistleblower retaliation investigation. It is a broader evaluation of, as you said, race-based harassment at the Coast Guard Academy.

Mr. COURTNEY. And the plan is to have a report issued sometime next year. Is that correct?

Mr. EATON. Yes, sir.

Mr. COURTNEY. OK. Thank you.

You know, again, I also, you know, read Admiral McAllister's testimony, which we will be hearing shortly and I just, again, want to underscore the fact that some of the initiatives that are taking place at the Coast Guard Academy, which I have personally visited a number of times on a clips day and other visits—the equity scorecard, the followup, you know, task forces and what not.

Again, Lieutenant Commander, again, I just want you to talk a little bit about the fact that you have been actually involved not just, you know, along for the ride but actually in a leadership position, is that correct, in those initiatives?

Ms. YOUNG-MCLEAR. Yes, that is correct, and specifically within the engineering department our philosophy is we really want to start from the ground up, making sure that people are in psychologically safe environments first, and I think that is the contrast that we have with the equity task force.

They are mainly focused on equity and we are actually approaching it more from a grassroots perspective to make sure that the climate is safe for everybody first.

Mr. COURTNEY. Well, thank you for mentioning the Engineering Deans Initiative, which, again, as you point out, is really sort of an organic coming together of faculty and cadets in terms of trying to address this issue.

I know the—Dr. Zelmanowitz is here from the engineering department in the second row and, again, had the opportunity to visit with you—the effort that is happening there.

Again, can you talk about sort of the approach of that initiative, which, unfortunately, is not mentioned in Admiral McAllister's testimony?

Ms. YOUNG-MCLEAR. Yes, absolutely.

So, the framework—basically, the foundation is in psychological safety. So, No. 1, everyone deserves to be treated with dignity and respect and do people feel safe, safe being their authentic selves, safe speaking up against wrongdoing.

If, at a minimum, we do not have that, no initiative on diversity and inclusion is going to work. It will fail and it will actually probably harm people because it will come across as superficial and people may resent why we are even doing it.

The next phase above that is focusing on moral courage. So, I note many of the members today have spoken about my particular courage, and it shouldn't be on my shoulders alone and many of the folks who are here in this room.

It is about how do we—how do we create a culture where it is safe to speak up, it is not taboo, and that is in align with our professional duties when we take that oath.

And the next layer above that is inclusion—diversity and inclusion—sorry, diversity and equity, mission performance, mission readiness, and then innovation.

So, it is, basically, started from the ground up, making sure that everyone is treated well and I believe that if you treat everyone with dignity and respect you are going to attract diverse groups of people.

But if you try and artificially force diversity, you are not going to get inclusion. You are going to end up with resentment and probably toxic work environments.

Mr. COURTNEY. And how is the uptake in terms of participation?

Ms. YOUNG-MCLEAR. So, far it is great. We have four action teams led by our engineering dean and it is just—personally, I mean, it is one of the highlights because we are engineers but we like solving problems.

And so we take that very seriously and it also puts us on par with other engineering colleges across the country to tap into those networks as well.

Mr. COURTNEY. Well, again, I just wanted to really spotlight that work that you and the dean are doing—that, you know, your approach to this is really not just sort of, you know, pointing fingers and not trying to be part of the solution.

In fact, you are part of, I think, really a very promising effort to get to the core of the issue that we are talking about today.

Ms. YOUNG-MCLEAR. Thank you. And if I could just quickly add, I am also plugged into diversity and inclusion efforts at Coast Guard headquarters as well. The Coast Guard—we just awarded a contract for diversity and inclusion training.

There is going to be, basically, a coaching program and I actually helped write input into the statement of work for that to make sure things like psychological safety are included and I actually had a chance last week to actually audit one of their modules.

And one of the things that I tried to just emphasize with that pilot group is to not be afraid to be critical and to self-examine our own culture, and if we don't understand our culture, we don't understand our history, we are not going to make progress.

It is just going to be superficial. So, I just wanted to add that it is not just efforts at the Coast Guard Academy. I have been in the Coast Guard for 16 years and I have always been passionate about how we can create healthy thriving work environments so that we can effectively do our mission and be innovative.

Mr. COURTNEY. May I make two quick clarifications for the record for earlier questions? Earlier, I indicated that the supplemental training that we recommended in handling these types of complaints was for all Coast Guard service members. It is for Coast Guard managers.

I also wanted to clarify that in response to an earlier question about referring complaints to—back to DHS and back to components for investigation that we only do that after receiving consent from the complainants to do that.

Ms. OCASIO-CORTEZ. Thank you.

And I would like to recognize myself for five minutes of questioning.

Lieutenant Commander Young-McLear, thank you so much for coming in and testifying today.

Mr. Eaton, thank you as well for your testimony and coming to answer some of our questions.

For a very long time it has been the legacy of this committee for whistleblowing to be a bipartisan and supported activity because without whistleblowers we cannot maintain the integrity of our government activities.

That is how we are able to ensure that every single branch and every single office under our Federal administration conducts itself

with the utmost integrity and that we live our values in the work that we do.

As we have discussed, the Inspector General's office confirmed that Lieutenant Commander Young-McLear suffered retaliation for raising allegations of harassment and bullying.

And, Lieutenant Commander, once again, thank you for sharing this story and for bringing this pattern of behavior up to us.

Mr. Eaton, this past September your office released another report of investigation that substantiated retaliation against Coast Guard officers for whistleblowing.

Specifically, your investigation substantiated retaliation against a lieutenant commander and a lieutenant assigned to a port security unit. Is that correct?

Mr. EATON. That is correct.

Ms. OCASIO-CORTEZ. Can you tell us, briefly about your findings in that case and did whistleblowers in those cases also receive unfavorable officer evaluation reports?

Mr. EATON. Yes. We did find that retaliation occurred in those cases. Like this one, those officers received negative evaluations on their OERs.

There were also other instances of retaliation such as the withholding or denial of certain awards or the removal from a temporary duty assignment.

Ms. OCASIO-CORTEZ. So, this is not just in a matter limited to Lieutenant Commander Young-McLear's experience. This seems to be something of a pattern and that there are other examples of retaliation going on in the Coast Guard?

Mr. EATON. That is clear. I guess I should make one distinction, that those complaints of retaliation for protected communications were not about allegations of discrimination but about reporting misconduct by their senior officers.

Ms. OCASIO-CORTEZ. I see. And you mentioned earlier that the Inspector General also began the review of race-based cases at the Academy. What caused and what triggered the IG to begin to review that?

Mr. EATON. That review was begun independently of this particular case, although our evaluators are certainly informed by our report and our findings.

Ms. OCASIO-CORTEZ. Mm-hmm. So, given that it is happening independent of this case, what has caused the IG to look into it?

Mr. EATON. I believe we have received requests from Congress and we have noticed reporting in the media.

Ms. OCASIO-CORTEZ. So, there is a pattern of reporting about race-based cases and there is a separate pattern of reporting of retaliation against whistleblowing. Is that correct?

Mr. EATON. I don't know if I would go so far as to characterize it a patter, but there has been reporting.

Ms. OCASIO-CORTEZ. OK. And could whistleblower retaliation cause service members to be reluctant to speak out about deficiencies in the Coast Guard?

Mr. EATON. Yes.

Ms. OCASIO-CORTEZ. So, over a 12-month period the Inspector General's office has found that Coast Guard officers retaliated against three service members and in all three cases at least one



of the methods of retaliation was by lowering the Officer Evaluation Report.

That, frankly, is completely unacceptable. What this also does is, as the lieutenant commander mentioned earlier, is that it could potentially allow some of—some of the worst actors to be elevated within a culture, within an office, while we lower Officer Evaluation Reports, some of our finest officers being relegated to being stuck in their careers.

Not only is it unacceptable but it has a profoundly detrimental effect on the Coast Guard's ability to carry out its mission.

So, clearly, the Coast Guard must take additional steps to ensure that service members who blow the whistle are protected from this kind of retaliation.

And so I think that is a huge part of what our job—of what our role is here today.

Lieutenant Commander Young-McLear, you did your job by blowing the whistle on this. But we need to do ours and we need to make sure that we take this report extremely seriously and make sure that we followup along with the Inspector General, who has substantiated these reports as well.

And I know not just speaking for myself but for our committee that is exactly what our intention is.

Thank you all very much.

Do any other members have additional followup?

[No response.]

Ms. OCASIO-CORTEZ. Great. That being said, the first panel is dismissed with the thanks of the committee.

At this time I would normally be introducing all of our witnesses for the second panel but, unfortunately, the Commandant Admiral Schultz has declined our invitation to appear voluntarily to this hearing and we will not be hearing from him today.

But I would like to welcome our other witnesses.

You are dismissed. Thank you.

[Applause.]

[Pause.]

Ms. OCASIO-CORTEZ. The committee now welcomes Vice Admiral Michael F. McAllister, deputy commandant for Mission Support at the United States Coast Guard.

Thank you, Vice Admiral, for coming today. It is the practice of the committee to swear in our witnesses. So, if you could, please, raise your right hand.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[Witness is sworn.]

Ms. OCASIO-CORTEZ. Thank you.

Let the record show that the witness has answered in the affirmative. Thank you.

And I would like to remind everyone that these microphones can be very sensitive. It is very important we speak directly into them.

Without objection, your written statements will be made part of the record and, with that, Admiral—Vice Admiral McAllister, you are now recognized to give an oral presentation of your testimony.

**STATEMENT OF VICE ADMIRAL MICHAEL F. MCALLISTER,  
DEPUTY COMMANDANT FOR MISSION SUPPORT, UNITED  
STATES COAST GUARD**

Vice Admiral McAllister. All right.

Well, good afternoon, Chairwoman Ocasio-Cortez, Chairman Thompson, Chairman Correa, Ranking Member Roy, Ranking Member Lesko, distinguished members of the subcommittees.

Thank you for the opportunity to testify today. I would like to share a quote from our commandant, Admiral Karl Schultz, which was delivered to the core of cadets at the Coast Guard Academy, but really applies to the entire service.

“The vision of the Coast Guard that I have is that everybody should have the right and expectation to come to a workplace that values them as an individual, that is inclusive, and is absolutely committed to each member’s definition of what they see as success.”

I share the commandant’s sentiment. Diversity, inclusion, and equity are the top—are a top Coast Guard priority and are foundational to a ready work force and an essential element of our overall effectiveness.

The entire Coast Guard leadership team is committed to championing and maintaining an organizational climate where everyone feels safe, valued, respected, and included. Simply put, it is a mission imperative.

Since assuming his role in 2018, Admiral Schultz has directed clear and proactive steps to actively improve diversity and inclusion within the service.

Efforts include creating a diversity and inclusion action plan, conducting the first holistic study on the recruitment and retention of underrepresented minorities in 25 years, creating a personnel readiness task force, developing and funding work force sustainability initiatives, and revitalizing the college student pre-commissioning initiative to better attract women and underrepresented minorities into the Coast Guard.

The commandant has also focused his efforts on improving diversity inclusion at our assessment points—the Coast Guard Academy and Training Center Cape May.

Today, the Coast Guard Academy has the most diverse corps and faculty in its 150-year history and ensuring equitable outcomes for all cadets is one of our highest priorities.

To this end, in 2017, the Academy became the first Federal service academy to undertake a comprehensive examination of the educational and performance outcomes amongst cadets of different racial, ethnic, and gender groups via the Equity Scorecard process developed by the University of Southern California’s Center for Urban Education.

We worked with the CUE for almost a year to tailor the project to the unique needs of a service academy and further improve the culture of respect, inclusivity, and equity mindedness.

As a result, in March 2018 a Vital Signs report was released and that June the superintendent chartered an equity task force to address the report’s recommendations and to provide a collaborative and holistic review of the equity gaps the report revealed.

The Vital Signs report is one of many assessment tools used to examine educational outcomes and formulate improvement strategies, and these broad efforts will allow us to improve policies, practices, and customs to maintain world-class programs and meet our mission of graduating leaders of character.

Building upon these efforts, the commandant issued a strategic vision for the Coast Guard Academy in the June 2018. This vision establishes clear direction to foster an inclusive environment that enables students and faculty to reach their greatest potential and to facilitate a climate of respect.

To these ends, additional oversights were created including the deputy commandant for Mission Support, deputy for personnel readiness, a two-star admiral responsible for the Human Resource Directorate, Force Readiness Command, and the Coast Guard Academy.

Admiral Schultz and the entire Coast Guard senior leadership team is taking every step to foster and develop a climate that is free from harassment, bullying, and retaliation.

And when incidents do occur, we act swiftly and professionally. We take all complaints of harassment, bullying, and retaliation seriously and have actively addressed every issue that was raised in the Academy whistleblower investigation.

Specifically, we have implemented service wide changes to the Coast Guard civil rights awareness training, revised procedures requiring commanders to notify the next level in their chain of command regarding the findings of all harassment, hate, hazing, and bullying inquiries, and we have revised policies via official service wide communications articulating whistleblower procedures to all personnel, and highlighting that a management official may not use their authority to take or threat action against a civilian employee, candidate for civilian employment, or a military member from making protected communications to Members of Congress.

This work is vitally important, and while we have made significant strides to create lasting change, our work is far from complete, and I will quote Chairman Correa from earlier: “We recognize our shortcomings.”

Going forward, we have already begun working on ways to improve our anti-hate and hate—or anti-harrassment and hate instrument process, or what we call AHHI, as well as the administrative investigations process as a whole.

While the policies are still being worked internally, I can offer that we are considering providing more robust guidance for the selection of investigators and the contents of convening orders, as well as giving greater clarity to the investigators as they work to create their investigative plan.

Further, we are working closely with the Department of Homeland Security to develop a civil rights and civil liberties training module that can be provided to investigators who are assigned to investigate claims of harassment.

Now, as in the past, we appreciate Congress’s support in helping us to identify areas where we need to improve, where are policies are unclear or where our policies are not meeting the needs of our work force.

Moreover, your expertise and insights are invaluable as we work to build an inclusive and diverse Coast Guard Academy.

Particularly, we would welcome opportunities for direct engagement through the Coast Guard Academy Board of Visitors so that we can best collaborate to foster an environment that is free from discrimination, harassment, and other unacceptable behaviors.

Thank you again for the opportunity to testify today and I look forward to your questions.

Ms. OCASIO-CORTEZ. Thank you very much.

The chair now recognizes Mr. Correa for five minutes of questioning.

Mr. CORREA. Thank you, Madam Chair.

Admiral McAllister, again, I want to welcome you here today. Just returned from a trip to New Zealand and Australia and I am proud to report that they talked glowingly about our Coast Guard.

They talked about coordinated efforts exercises and rescuing folks in places of the world in the sea where nobody has ever heard of, and you do a great job.

And as I was mentioning earlier, in Puerto Rico I have also heard the same thing. You watch, you monitor areas as far as Venezuela for those drug interdiction and I understand you have been, you know, stepping all over some mini submarines lately full of drugs, and thank you for doing that good work as well.

North Korea—as I mentioned, earlier, you are part of the enforcement of those sanctions out there, because the Navy can't do it and you all step up and do it. So, you do some very good work.

And I am just going to put it out again, my committee is one of the committees that has co-jurisdiction these issues and I want to not have you report to us but work with you on these issues.

As I mentioned earlier, I had the same challenges in—with the California National Guard and General Baldwin. He stepped up and we worked it out, and a couple of years later everybody was doing a very good job.

So, if I can, I am going to ask a couple of quick questions of you, sir, and move on.

As you know, earlier today the Oversight and Reform and our Homeland Committees released a report on the results of a 19-month-long investigation and the report contains seven recommendations to help ensure that the Coast Guard conducts prompt, thorough, and impartial—impartial investigations of such allegations in the future. Trying to create some good policy here, sir.

So, I am going to summarize the seven recommendations.

No. 1, orders for investigation should identify the specific allegations to be investigated.

Specific allegations be no appearance of conflict of interest.

Individuals assigned to investigate should have the proper training.

Guidelines should be established regarding process for adjudicating complaints.

Investigative reports should meet the standards set forth in the Coast Guard's Administrative Investigations Manual.

No. 6, actions that could have a chilling effect on complaints should be prohibited.

And finally, the Coast Guard's anti-harassment anti-bullying policies and procedures should be followed. They exist, but they should be followed.

So, can I get a commitment from you today that the Coast Guard will implement these recommendations and that you—I am not going to say work to do it but work with us to make sure we get it done and make sure you continue to shine brightly because all the folks in the Coast Guard have earned our respect and admiration.

It is a question.

Vice Admiral McAllister. Well, Chairman, thanks very much for the question.

First off, thanks for your comments about Coast Guard operations around the world. We are proud of what we are able to do alongside our DOD and international partners, and we also look forward to working with the committees here to enhance our policies and procedures.

I did not have the opportunity before testifying here today to look at the details of those recommendations. But as you described them, sir, all of those sound reasonable.

I certainly agree in concept with the idea of enhancing our policies and procedures along the lines of clearer orders to investigating officers. Ensuring that investigating officers have the appropriate training to do their work in an impartial manner brings integrity to the process, avoiding conflicts of interest.

And so absolutely agree in concept and I look forward to working with the committees and we are happy to do that.

Mr. CORREA. Admiral McAllister, I am going to say once you have a chance to look at those, I am going to buy you lunch.

I am going to buy your staff some lunch and let us sit down and work through these issues and make sure that we can comply with all these seven recommendations and move ahead.

Thank you very much, and Madam Chair, I yield the remainder of my time.

Ms. OCASIO-CORTEZ. Thank you.

Mr. Correa yields. The chair now recognizes Mrs. Lesko of Arizona.

Mrs. LESKO. Thank you, Madam Chair, and thank you for being here, Vice Admiral McAllister.

First, I would like to say how I am—again, I want to say how disappointed I am that we are doing this little stunt here with the blank chair without Admiral Schultz's name tag. I mean, this is like common in Judiciary Committee that the Democrats pulled this stunt.

But, really, I am sure your staff has told you that the Coast Guard has repeatedly offered Vice Admiral McAllister to come and testify—he person that actually knows the facts about this.

And so, again, I think it is beneath the dignity of the House of Representatives to keep on pulling these stunts. But I do have questions for you, Vice Admiral McAllister.

First of all, the Inspector General representative that was here today said that the Coast Guard had completed three out of the four recommendations that they said to the Coast Guard and if I remember what he said it was a very—seemed like a very small

thing that you hadn't done, something to the—it was this one, direct that the U.S. Coast Guard Civil Rights Manual be modified to clarify that military members who believe they are subject to whistleblower retaliation should file a complaint with DHS OIG, not the U.S. Office of Special Counsel and that there was some other manual that you forgot to put that in. Is that what you heard and are you willing to add that to the other manual to complete all the recommendations?

Vice Admiral McAllister. Congresswoman, absolutely.

So, we have actually taken all four of the OIG recommendations for action. We had taken action immediately after receiving the results of that investigation.

The nuance here is we put out a message to every person in the Coast Guard saying that we had changed the policy. We needed to go back and update the manual that that change pointed to and that is in process right now and I suspect that that will be completed shortly. But everybody in the Coast Guard knows that the policy has changed, and it has in fact changed. So, we completed all four of the OIG recommendations.

And, ma'am, if you don't mind, just to mention Admiral Schultz asked me to testify on his behalf today. As you mentioned earlier, not only do I oversee the Coast Guard Academy, I see all of our diversity and inclusion initiatives, all of our H.R. policies, all of the rest of our training, infrastructure.

And so I appreciate the opportunity to come and talk to you at the level of detail that I can provide on those programs.

Mrs. LESKO. Yes. Thank you, and I appreciate—I want to remind some of my Democratic colleagues, who many of them I know and get along with well, that it was the minority that invited you here.

The majority, apparently, didn't invite you here and just kept on inviting Admiral Shultz, even though you are the one that has all the knowledge on this, which is confusing to me.

Vice Admiral McAllister, do you believe that the issues of bullying and harassment are widespread within the Coast Guard?

Vice Admiral McAllister. Congresswoman, I don't have any data to suggest that those are widespread issues. If there are people who believe and have seen that they are wider spread than the data that I have suggests, then I am absolutely interested in hearing directly from those people.

And, you know, I would tell you the commandant and I and our entire senior leadership team is committed to, as I stated in my opening statement, creating an environment where people feel, one, that they can reach their potential, but two, that if they need to report something that they find unsatisfactory that they have the right outlets to do that. And so process integrity is important to us and you have my commitment to continue to ensure that we do the best we can along those lines.

Mrs. LESKO. And thank you very much.

And, again, I want to say how disappointed I am that my Democratic colleagues chose to publish this report or give us this report today and give it to the staff on Saturday and my understanding didn't even ask for your input on it, didn't ask, of course, for our input on it, and this seems to be a pattern.

I mean, I serve on the Judiciary Committee and we get dumped thousands of documents on a Saturday before a Monday hearing. I mean, this is, in my opinion, just a total—I know that they are in the majority.

I know they can do it. I know they have the votes to do whatever they want. But it is wrong.

And so I yield back my time, Madam Chairman.

Ms. OCASIO-CORTEZ. Thank you.

I will recognize myself for five minutes of questions.

On December 4, after the committees had written to the commandant requesting that he testify at today's hearing, the committees received letters from Rear Admiral Melissa Bert, the Coast Guard's director of Governmental and Public Affairs.

In the letter to Chairwoman Maloney, Rear Admiral Bert states that you, Vice Admiral McAllister, are, quote, "the most appropriate witness" for our hearing today.

Vice Admiral—and I would also like to take a moment to just thank you for coming in today. We are sincerely appreciative of the time that you are taking out and the effort that you are taking out to prepare for today's hearing.

With that being said, could you illuminate for us what did Rear Admiral Bert mean when she stated that you were a more appropriate witness than Admiral Schultz?

In what ways are you more qualified than the Coast Guard's commandant to speak about the Coast Guard's policies and procedures on harassment, bullying, and retaliation?

Mr. MCALLISTER. Madam Chairwoman, I would just offer to you—and I consulted with the commandant on this—as a service chief he has a lot of responsibilities. He has assigned me the responsibilities of delivering a diversity action and equity plan for the entire Coast Guard and for, more specifically, for the Coast Guard Academy.

So, as an example, just last week, the commandant and I together presented our draft diversity inclusion plan for all of the senior leaders in the entire Coast Guard. We brought them all together and that was agenda item No. 1.

And so he is absolutely committed to it. But he has got a lot of things that tear at his time. He has got a lot of strategic priorities for the service and he asked me, with my portfolio and with my understanding of the detailed policy and procedural issues, which really is, you know, the work of the staff, to represent him here today.

Ms. OCASIO-CORTEZ. Would you be able to illuminate for us why the both of you could not come and it was just you?

Mr. MCALLISTER. Well, my understanding, and I am not sure—I haven't laid eyes on the rule myself—but it is common practice within our department that I know of that we provide a single witness to a hearing.

Ms. OCASIO-CORTEZ. I understand.

So, I have a copy here of the Coast Guard's anti-discrimination and anti-harassment policy statement. It is up there.

Can you tell me who signed that statement?

Mr. MCALLISTER. That is signed by Admiral Schultz, our current commandant.

Ms. OCASIO-CORTEZ. And here is the Coast Guard's equal opportunity policy statement. Can you tell me who signed that?

Mr. MCALLISTER. That is also signed by our commandant.

Ms. OCASIO-CORTEZ. So, with utmost respect, I would have assumed that since the commandant signed these two policies he would have the most knowledge and assume the highest responsibility for their enforcement and implementation on how they work, and I think one of the questions and one of the concerns that we have is that it may not just be limited, you know, to one area.

This is a question of the entire Coast Guard, and I am surprised to hear that the commandant is issuing policies that he is not able or willing to make time to discuss with Congress.

Vice Admiral, how many times in the past has the commandant been invited to a congressional hearing that he has refused to attend?

Mr. MCALLISTER. Ma'am, I am not aware of any. I am happy to provide additional information for the record.

Ms. OCASIO-CORTEZ. So, this is the first time that the commandant has refused to attend a congressional hearing. How many times in the past has the director of Governmental and Public Affairs responded to a request from a congressional committee for testimony from the commandant by telling the requesting committee that an officer subordinate to the commandant is more appropriate of a witness than the commandant himself?

Mr. MCALLISTER. I am not sure I have the full visibility on the correspondence back and forth from a congressional affairs perspective to—

Ms. OCASIO-CORTEZ. I understand.

Mr. MCALLISTER.—answer that question.

I will offer both the commandant and I have only been our positions for about 18 months now. So, that is the window that I can use to judge for you.

Ms. OCASIO-CORTEZ. I completely understand and I thank you.

But I do think it is important to assert that this may be unprecedented at least in recent history for a commandant to refuse to attend a congressional hearing and that refusal today is disappointing to this committee and it is—it only seems to—from what we can infer, that lack of presence seems to essentially suggest that and reaffirm about the command environment in which Lieutenant Commander Young-McLear suffered and perhaps has suffered retaliation for making allegations of harassment and bullying, and I think that that is what that absence here today is difficult for us to square.

But, once again, I want to state my gratitude for you coming here today and it is in no means a respect—a disrespect to you or your service, and I thank you for you taking the time to testify today. I thank you very much.

The chair now recognizes Mr. Roy of Texas.

Mr. ROY. I thank the chairwoman.

Vice Admiral McAllister, do you have complete knowledge of what is going on at the Academy? Are you in charge of what is happening at the Academy?



Mr. MCALLISTER. I am, sir. I am in the chain of command. I supervise the superintendent of the Coast Guard Academy who runs the Academy on a day-to-day basis.

Mr. ROY. So, you are fully knowledgeable and fully able to answer these questions as vice admiral?

Mr. MCALLISTER. I believe I am. Yes, sir.

Mr. ROY. Could you give me a little bit of your background? How long have you been in the United States Coast Guard and your education, training, and so forth?

Mr. MCALLISTER. Sir, I have been in the Coast Guard for going on 34 years. I am a graduate of the United States Coast Guard Academy.

I have both operated all around the Coast Guard and I have been in the support worlds, the engineering worlds, the H.R. worlds, the budget worlds, and so forth.

From an educational standpoint, received Master's degrees in civil engineering and a Master's in business administration, and a graduate of a variety of executive education opportunities.

Mr. ROY. Safe to say that you are proud of the United States Coast Guard?

Mr. MCALLISTER. I am very proud of our organization, and as was introduced in some of the opening comments, I think we have an outsized impact for, you know, against the size of our service.

Mr. ROY. Safe to say you are proud of the United States Coast Guard Academy and being a graduate of that institution?

Mr. MCALLISTER. I am. We are always looking for ways to improve, though, and I recognize that in some cases we need to do that.

Mr. ROY. What are the primary missions of the Coast Guard?

Mr. MCALLISTER. Well, sir, I know you are familiar with some of our missions including interdicting drugs and transnational organized crime.

We have had a banner year last year, seizing 208 metric tons of cocaine, which is more cocaine than all other U.S. law enforcement agencies combined. We have saved thousands of lives, maintain our Nation's waterways, facilitate extremely important commerce into and out of our ports.

And so a variety of different missions that we are carrying out simultaneously, literally around the world every day.

Mr. ROY. The United States has 95,000 miles of coastline, 360 seaports, 3,700 Marine terminals, and 25,000 miles of waterways. Does that sound about right to you?

Mr. MCALLISTER. That is correct, sir. It is about a \$5.4 trillion a year maritime commerce system.

Mr. ROY. You mentioned drug interdiction. You talked about the tons of cocaine with a street value—I mean, 2017 223 metric tons with a street value of \$6.6 billion. 2017, the Coast Guard also detained 708 suspected drug smugglers. Does that all sound right to you?

Mr. MCALLISTER. Yes, sir. It does. And about two-thirds of those drug smugglers are brought back here to the U.S. for prosecution, which allows us to find other drug smugglers.

Mr. ROY. Another staggering statistic—you mentioned saving lives. 2017, the Coast Guard saved 4,228 lives, conducted 16,000

search and rescue operations consisting of nearly 12,000 people during hurricanes.

It is clear the Coast Guard plays an important role in keeping the Nation's borders and citizens safe. We could go through all of those wonderful accomplishments.

How many members active—are active in the United States Coast Guard right now, roughly?

Mr. MCALLISTER. Sir, we have about 43,000 active duty members.

Mr. ROY. And how many students are there at the Academy currently, or in a class?

Mr. MCALLISTER. Approximately 1,000 cadets, sir.

Mr. ROY. OK. And you responded to my colleague just a minute ago who asked a question about whether you believe that the kinds of harassment and bullying that is the subject of this hearing is prevalent throughout the Academy or the Coast Guard.

Is it safe to say that of those 43,000 or the rough number that you said of the members of the United States Coast Guard, the thousand at the Academy, do you have any idea of the rough number of cases of harassment or bullying that have been reported and moved up the chain? So, some rough knowledge of the state of that?

Mr. MCALLISTER. Yes, sir. I can give you some rough numbers.

We receive, to my understanding, about 250 EEO complaints a year. We actually beat the Federal averages and are at the top of the DHS in terms of timeliness of resolving those issues, resolving those issues at the lowest level possible and of using mediation to achieve that.

On the anti-harassment and hate incident side, we also receive about 250 of those types of cases a year and about a third of those—well, all of those are investigated immediately and about a third of those have resulted in action, everywhere from verbal counseling to removal of duties.

So, it is a system that is relatively mature, although we would like to process it in place, and I would argue, working to some level today.

Mr. ROY. I am aware that there are other places where the Coast Guard has voluntarily or chosen itself to lead. For example, ensuring equitable outcomes for all cadets in the U.S. Coast Guard Academy has been a strategic priority since 2013. Is that correct?

Mr. MCALLISTER. That is correct, sir.

Mr. ROY. And when did the Coast Guard determine that there was an issue with equitable outcomes for the Academy and how did you identify it?

And I am running of time, but if you could just give a little bit of background here for the committee on how you all took action to deal with some of those issues yourselves as the United States Coast Guard to address those.

Mr. MCALLISTER. So, we were the first service academy to go through the equity scorecard process, again, under the—with the help of the University of Southern California, and that was in 2017 and that just gives you a snapshot of where there may be or there are inequities in outcomes across different dimensions—academics, military, athletics, and overall.

And it is now the work of the equity task force that was mentioned in the previous panel to identify the root causes of those issues and to do the things that need to be done to create more equitable outcomes as a result of that.

And there is a long list of things that we are doing right now with some of the people who are sitting behind me from the Coast Guard Academy involved to enhance things like our teaching methods, our mentoring programs, senior leadership, understanding of climate-related issues and those sorts of things.

Mr. ROY. Thank you, Vice Admiral McAllister, and thank you for your service to our country.

Ms. OCASIO-CORTEZ. Thank you.

The chair now recognizes Mr. Thompson, the chairman of the Committee on Homeland Security.

Chairman THOMPSON. Thank you very much, Madam Chair.

Vice Commander, glad to see you. I want to make sure that, on the majority side, we think the buck stops with the commandant, and that is why he was invited.

The fact that in your testimony you made a number of references to the commandant and so we would assume, and rightfully so, that he is the person.

But as a person tasked with the responsibility of coming, you don't have a choice. So, we thank you and your record speaks for itself.

With respect to our whistleblower, did you have anything to do with any processing or reviewing of any of her complaint?

Mr. MCALLISTER. Sir, I did not have any kind of firsthand involvement in that. All of the investigations except for the OIG whistleblower investigation were completed before I got into my current position.

I did receive the results of that OIG report and helped craft the actions that the Coast Guard was going to take in response to that report. That is my only involvement thus far.

Chairman THOMPSON. Well, thank you.

Some of us have asked the question now that the appearance of the lieutenant commander being mistreated by people in the Academy, we are concerned that, as far as we know, no disciplinary action has been taken toward any of the people who are at fault.

Are you aware of any disciplinary action taken?

Mr. MCALLISTER. Chairman, I will offer we ended up taking administrative action against one of the individuals involved.

Now, it was more directly related to another incident of bullying where we found that bullying had occurred, and so we removed that officer from their primary duties, reassigned that officer, and that officer ultimately voluntarily retired rather than face the additional administrative actions that would have been a result of that.

And I say that because his removal was based on what we call a loss of confidence by the Coast Guard Academy leadership, and it would have included the totality of the circumstances in terms of his actions in his position, including those that the earlier panel identified in making that determination.

Chairman THOMPSON. Thank you.

You know, one of the hallmarks of a policy is how much of an enforcement mechanism you put in place behind it. What is the

current enforcement mechanism subject to the IG's recommendation that is available for bullying, harassment, or retaliation?

Mr. MCALLISTER. Sir, so there are a couple different processes involved there, particularly for harassment.

You can go either through the EEO process or through the administrative process, the anti-harassment hate incident process. For any of those, if it is severe enough you can go through a criminal process as well—criminal investigation.

But those are the processes that have been in place for a while. I would offer to you—to your question about the recent changes that we made as a result of the OIG report, those are recent changes and we haven't yet seen all of the positive things that will come from that.

I would tell you our work is incomplete there. There were some suggestions earlier made about improper communications between officials that were engaged in this process.

Those communications were not prohibited under our old policy. I would offer they are—now that we have raised our standards for our policies and procedures in terms of the discretion and the confidentiality of those communications, you will see less of that, and there is opportunity for us to be more specific in what those prohibitions look like to ensure we have it.

Chairman THOMPSON. So, you do understand the challenge that a cadet might have in the fact that you have a policy with no teeth and a reluctance to move forward with a complaint because the perception is that nothing will be done.

And I am saying that to say I encourage you to make sure that you go back to the commandant and express that a zero-tolerance policy on this would be absolutely necessary to also have some penalty and enforcement mechanism.

A couple of other items, Madam Chair, if I might.

You know, we went through quite an extensive effort to get information. Are you aware of all these committees had to go through to get basic information?

Mr. MCALLISTER. Yes, sir. I am.

Chairman THOMPSON. Are you comfortable that the Coast Guard did not impede the committee's right to certain information?

Mr. MCALLISTER. Chairman, I would offer to you it was certainly our intent to be responsive and transparent. There were a lot of processes that we were required to follow—Coast Guard, DHS, DOJ processes in terms of redactions and those sorts of things. I can certainly understand the committee's frustration with that.

I would offer we also have done 37 hours of briefings and interviews to supplement all of the record material—the 10,000 pages of record material.

So, I am hopeful that the committee found that at the end of the day they had everything they needed to make appropriate judgments.

Ms. OCASIO-CORTEZ. Gentleman's time has expired.

The chair now recognizes Mrs. Watson Coleman of New Jersey.

Mrs. WATSON COLEMAN. Thank you, Madam Chair.

Vice Admiral, thank you for being here, and let me associate myself with all the good things that my colleagues have said about the work that the Coast Guard does in keeping us safe, keeping our

waterways safe, finding drugs that should never get to our communities, and saving lives. You do a remarkable job and we are grateful.

But I need to talk to you about the sort of administrative aspects of the—of the Coast Guard, including the Academy.

A couple of things. No. 1 is, what—did you work in this area prior to your recent appointment? Where were you during the period of time that the lieutenant commander's complaints were being addressed or not addressed? What space were you working in?

Mr. MCALLISTER. I was not directly involved, Congresswoman. I was the regional commander for the Arctic and Alaska, and I was the deputy director of operations for the U.S. Northern Command—

Mrs. WATSON COLEMAN. U.S. what?

Mr. MCALLISTER. For the U.S. Northern Command.

Mrs. WATSON COLEMAN. OK. So, you weren't even on the scene, so to speak?

Mr. MCALLISTER. I was not, ma'am.

Mrs. WATSON COLEMAN. OK. I want to go over that case with you a little bit then, if you don't mind.

After the lieutenant commander raised complaints of harassment and a hostile work environment based in part on her race, her gender, and sexual orientation, the Coast Guard attempted to address them through preliminary inquiry.

The preliminary inquiry determined that a full investigation should be conducted. So, it would seem that the logical next step would have been for leadership to order that full investigation.

It seems simple, but instead the assistant superintendent of the Academy ordered a general climate and cultural survey of the department, chose an unqualified investigator from the information we have to conduct it, and specifically told the investigator not to investigate the allegations.

The investigator actually told the committee staff that he was, and I quote, "expressly asked not to look at any individual." He was not even made aware of the lieutenant commander's specific allegations until he spoke with her as the very last person he surveyed.

It would seem, actually, the process didn't break down but, rather, that it was purposefully subverted. The assistant superintendent was presented with credible allegations of harassment and took no steps to ensure that they were investigated appropriately.

So then, Vice Admiral, let me ask you a question on this. I need to understand is this a cover up?

Mr. MCALLISTER. Congresswoman, it is not.

Mrs. WATSON COLEMAN. It is not a cover up? Is it a sweeping of things under the rug? What exactly is it?

How could this have consistently happened over the last couple of years with people at such high levels knowing better or should know better?

Mr. MCALLISTER. So, if I may, the preliminary inquiry that is described is actually an administrative investigation.

That is merely the form in which the results are delivered. The recommendations from that preliminary inquiry were to do a broader investigation—

Mrs. WATSON COLEMAN. Right.

Mr. MCALLISTER.—of the entire department, which was ordered and done and was done in an investigation format. I have seen that investigation myself. It was accompanied by—

Mrs. WATSON COLEMAN. Are you saying that the information I have here, that the request for the investigation was denied, is inaccurate?

Mr. MCALLISTER. An investigation was ordered and done, ma'am.

Mrs. WATSON COLEMAN. When? In relationship to this first part, when was that—when did that happen? Was there a period of time where the investigation was recommended and the assistant superintendent did not do it?

Mr. MCALLISTER. No. The—

Mrs. WATSON COLEMAN. Or did not order it?

Mr. MCALLISTER.—the investigation was recommended by the dean and the assistant superintendent ordered the conduct of that investigation.

Mrs. WATSON COLEMAN. Was the dean the investigator who made the recommendations?

Mr. MCALLISTER. The dean was the investigator of the first—was not the—I am sorry.

Mrs. WATSON COLEMAN. And he made the—what?

Mr. MCALLISTER. To be clear, he was not the investigator but he was the convening authority for the first investigation.

Mrs. WATSON COLEMAN. Was there a period of time where there was the preliminary investigation a recommendation for a more thorough investigation and a declining on the part of administration to move forward with that comprehensive investigation at that time? That is my question.

Mr. MCALLISTER. No, there was no declination of the need to do a second administrative investigation.

Mrs. WATSON COLEMAN. OK. If that was the case, why did it take so doggone long to come to any conclusions as it relates to the lieutenant commander's allegations?

Mr. MCALLISTER. It took approximately—it took approximately 30 days, which is our standard for the first investigation.

Mrs. WATSON COLEMAN. I think we are talking a couple of years.

Mr. MCALLISTER. And it took approximately 30 days for the second investigation.

Now, I am not holding these investigations up as the model. There were issues in those investigations in terms of the lack of detail on what those investigations should include, the form in which those investigations were provided.

So, this is not—I mean, this was not the experience that everybody gets—

Mrs. WATSON COLEMAN. Thank you, Vice Admiral. I have been—I have heard this, which means that my time is up.

I think that my concern is that the climate and culture investigation didn't examine the specific allegations and that in and of itself is troubling to me because it seems to me that there was an intentional subversion of what should have been the right thing to do.

Thank you for coming, and thank you for your indulgence, Madam Chair.

Oh, Mr. Chair.

Mr. CLAY.

[Presiding.] And we thank the gentlewoman from New Jersey for yielding back.

And I recognize the gentleman from Connecticut, Mr. Courtney, for five minutes.

Mr. COURTNEY. Thank you, Mr. Chairman, and thank you, Admiral, for being here today.

I just returned from a CODEL from Norway and Iceland, which was supposed to be Navy focused and I just want to share with you that we spent most of the time talking to both their respective navies about the great collaboration with the Coast Guard, which includes, by the way, the Academy, since there is a pretty robust foreign exchange program, which, again, deepens that interoperability. So, you know, congratulations on your great work up there.

I wanted to go back to your comments about the administrative action which was taken regarding the department head.

Again, just, I mean, I am sure you read the Inspector General's report that there is Page 19 recent developments which, again, goes through the second complaint and the fact that, you know, really within a pretty short period of time—it was about three months—the Academy removed that individual.

Again, I just want to clarify and at least put on the record that this is the same individual for whom the IG report identified as, you know, the actor who changed the rating for Lieutenant Commander Young-McLear, which was, again, on Page 26 and talked about how, again, they took her score down below six. They actually were talking about bringing it down to four.

And so when you indicated that it is the totality of the circumstances led to that decision for removal, again, I just want to get some feedback that at least, you know, the actions that the IG reported as retaliatory is part of that totality of circumstances?

Mr. MCALLISTER. Congressman, it is fair to say we were aware of what the OIG report said. It was released earlier. No, actually, I take that back. I am confusing my time line a little bit.

The event that most precipitated that administrative action of removal of that particular person really was an unrelated event.

But the way I described it was when somebody is removed of their primary duties for loss of confidence, that considers all of the events that may have happened in the past.

And, again, it is not a disciplinary—a disciplinary action under the Uniform Code of Military Justice but it has very significant consequences and it is up to the chain of command to take that action, and they did in this case.

Mr. COURTNEY. Well, I was trying to give you a lifeline, Admiral, in terms of just trying to show that at least there was some recognition about Lieutenant Commander Young-McLear's experience with this individual—that it had some ripple effect in terms of, you know, the second incident in the administrative action that you described.

So, the other point I just wanted to sort of walk through with you is the IG report talked, again, about the confidentiality issues,

which they described in pretty vivid detail about the fact that Lieutenant Commander Young-McLear's complaint was announced before a staff meeting, that it was discussed in the gym, in emails, and they determined that it was likely a violation of the manual.

That was one of the four recommendations that they said that, you know, you guys—the Academy has to tighten up.

Can you, like, just walk through a little bit in more detail, like, how you are going to make sure that that type of, you know, very, you know, reckless almost behavior is not going to occur again?

Mr. MCALLISTER. Congressman, thanks for the question.

At the time, I would offer to you, that was not either allowed or prohibited. It was not—we didn't indicate in our policy who could or couldn't be discussed.

But I share with you your concern that just from a judgmental standpoint that was probably not the right behavior.

And so we have done the initial steps of laying out the—our expectations for increased sensitivity and confidentiality of these cases while they are being adjudicated and I think we will have an opportunity to expand upon that, you know, based on what the committee here has suggested in terms of detailed activity.

So, there is certainly room for improvement there.

Mr. COURTNEY. Well, again, I think that goes to the core of, you know, the whistleblower process and the complaint process is protecting people's confidentiality because it can be toxic if it just sort of gets out there in the blood stream.

You know, the last point—and I raised this in the first panel is that, you know, I have visited the Academy. Again, the self-reporting, which is what the equity scorecard was, certainly deserves credit.

It did not go through the whole institution, as the lieutenant commander noted, and so there is still a little meat left on the bone there in terms of, you know, trying to address this overall issue.

In the initiatives that are taking place in terms of some of the task forces, again, I have been briefed on that in person in New London.

I was a little disappointed that the engineering department's initiative wasn't included in your testimony and I just hope to, you know, hear from you the fact that that is really a promising initiative which, as I said, is really organic.

It is happening, you know, really self-initiated and which is a healthy response. I just wondered if you could comment.

Mr. MCALLISTER. Congressman, I am absolutely willing to take that onboard and, you know, I would offer I am very much encouraged and I knew that it was happening that Lieutenant Commander Young-McLear is still very much involved in helping us to solve the issues that I know we have as an organization in terms of how to improve our diversity, inclusion, inclusiveness.

And so, you know, the continued engagement she has—I know she was at a workshop recently looking at our culture of respect across not just harassment and bullying and other things but sexual assault and some of the other concerning behaviors that we are focused on at the same time.

So, that is the kind of engagement I think that will help us to really leapfrog ahead in terms of these policies, procedures, and the



environment or the culture that is, you know, a result of those things that I think we can improve upon.

But you absolutely have my commitment to take what the Academy is doing and particularly the engineering work and continue to focus on that and make sure that we get the right equitable outcomes at the end of these processes.

Mr. CLAY. The gentleman's time—

Mr. COURTNEY. Mr. Chairman, if I could just one—I just appreciate the fact that you did, you know, give Lieutenant Commander a shout out for her continuing work.

And with that, I yield back.

Mr. CLAY. The gentleman's time has expired.

The gentlewoman from West Virginia, Mrs. Miller, is recognized for five minutes.

Mrs. MILLER. Thank you, Mr. Chair.

And I do want to thank Lieutenant Young-McLear for testifying in our first panel and to you, Vice Admiral McAllister, for answering all of our questions.

I also, of course, want to thank you all for your service to our country.

I also want to commend the Coast Guard for the very important work you do in protecting American interests at home and abroad, serving every day to keep Americans safe.

I especially want to highlight the role that the Coast Guard plays in my district in southern West Virginia, providing the vital search and rescue missions during our flooding and extreme weather.

I also want to highlight the important job that the Coast Guard plays in drug interdiction in the Gulf of Mexico where each year they intercept billions of dollars worth of illegal drugs and detain hundreds of drug dealers. Thank you.

The Coast Guard Academy is essential for the continued success of our Coast Guard. Allegations of abuse and harassment are extremely worrying to me and, I am sure, to every member of this committee.

It is essential that our academies operate at the very best level to produce the Coast Guard service members that will serve our next generation of Americans.

How does the Academy prepare their cadets to be future leaders of the Coast Guard and as Americans?

Mr. MCALLISTER. Congresswoman, thanks for the question.

So, the goal of the Academy is to graduate leaders of character and so from the day they show up at the Coast Guard Academy it is a immersive environment that focuses not only on the academics that you would expect from a four-year educational institution but the military, the enculturation, and to our core values of honor, respect, and devotion to duty, the athletics. And so we are trying to create whole people, and we do that in an environment that really does.

We intend to focus on diversity and inclusion and so when they graduate those officers and they hit the fleet, they are leading, you know, kind of a new generation of, I would say, emotional intelligence or inclusion intelligence and leadership capabilities that I think ultimately will have a generational and significant impact on the entire Coast Guard.

Because the Academy leads in so many of these ways as the results to diversity, inclusion, and equity, they are ahead of the rest of the fleet right now and part of my job is to make sure the rest of the fleet keeps up.

Mrs. MILLER. How can Congress help better equip the Coast Guard Academy to help cadets be even more successful in the future?

Mr. MCALLISTER. Well, thank you for that question as well.

In my opening remarks, I mentioned the Board of Visitors, which we have reinstated, so that is members of both—senior members of both the administration and Congress who can provide oversight to the Coast Guard Academy and overseeing the equity task force and the results that are coming from that I think would be, you know, valuable focus.

And as the commandant has testified to on a number of occasions, more broadly, about the Coast Guard, we get fantastic support from Congress.

But I think the superintendent would tell you it is harder and harder to run an institution where he is attracting the best and brightest across this entire nation to come and be a cadet when our budgets have been flat-lined over time, which, in real terms, means that he is doing—trying to deliver more with less resources to do that and that is a challenge for our entire service.

Mrs. MILLER. Mr. Chairman, is my time expired?

Mr. COURTNEY.

[Presiding.] I will give you another minute if you want.

Mrs. MILLER. OK, because it just seemed like it went backward.

Mr. COURTNEY. Yes.

Mrs. MILLER. OK. Thank you.

Do you believe that the current procedures the Coast Guard has in place are adequate and fairly—to fairly investigate and adjudicate complaints of harassments and discrimination?

Mr. MCALLISTER. Congresswoman, certainly, the cases that we are talking about here have uncovered weaknesses in those policies and procedures that we have begun to get after and will continue to do so.

Ultimately, I think the processes are minimally acceptable. They have been—they have been working for us, by and large, with notable exceptions. We can certainly do better. We reserve the right to do better here.

Mrs. MILLER. And has the equity task force made a concrete difference in the culture of the Coast Guard Academy?

Mr. MCALLISTER. I certainly believe they will. I think there is a lot of enthusiasm at the Academy about taking the Vital Signs report, which is really just kind of a snapshot in time and putting action behind it to close those equity gaps.

You know, I would offer to you there is a variety of things going on there, some of which are in that equity task force and some are not.

As an example, we recently changed the way that we hire or that we advertise for civilian faculty positions which, frankly, we hope will attract a large number of underrepresented minorities to those positions.

We have already got the most diverse staff that we have had in Academy history but there we can do better as well.

And then, you know, from a cadet perspective things like setting up the minority outreach recruiting team, which is really kind of a mentoring program at its heart; the Center for Inclusive Learning and Teaching, which retrains instructors on how to teach and to professionally develop cadets so that they can achieve their highest possible potential while at the Coast Guard Academy; sending all of our senior leaders to diversity and inclusion training and then having them go out in small groups throughout the Academy community, having important discussions about things like hidden biases and how we can overcome those.

These are all pretty exciting things and I am confident that we will continue to build an even more inclusive environment at the Academy. But there is still—we are still kind of nascent in this process and, you know, it bears continued watching and engagement and we plan to do that.

I would offer to you we have by far the most diverse military academy of any of the services out there and, you know, we can take that as a mark of partial success but we would like to do more and all of these efforts are kind of geared toward that.

Mrs. MILLER. Thank you.

I yield back my time.

Mr. COURTNEY. Thank you.

And this—we are done. So, I would just like to thank our witnesses for their testimony today.

Without objection, all members will have five legislative days within which to submit additional written questions for the witnesses to the chair which will be forwarded to the witness for responses.

I ask our witnesses to please respond as promptly as you are able.

The hearing is adjourned.

[Whereupon, at 1:21 p.m., the subcommittee was adjourned.]

