



Sexual Misconduct on U.S. Vessels (FY 2023)

Report to Congress
September 24, 2024



U.S. Coast Guard

Foreword

September 24, 2024

The Coast Guard provides the following report, “Sexual Misconduct on U.S. Vessels (FY 2023).”

Section 10105 of Title 46, U.S. Code, directs the submission of a report that provides the number of reports received; the number of penalties issued; the number of open investigations; the number of completed investigations including their outcomes; the number of credentials denied or revoked due to sexual harassment, sexual assault, or related offenses; and recommendations to support the efforts of the Coast Guard to improve investigations and oversight of sexual harassment and sexual assault in the maritime sector.



Pursuant to Congressional requirements, this report is provided to the following members of Congress:

The Honorable Maria Cantwell
Chair, Senate Committee on Commerce, Science, and Transportation

The Honorable Ted Cruz
Ranking Member, Senate Committee on Commerce, Science, and Transportation

The Honorable Sam Graves
Chairman, House Committee on Transportation and Infrastructure

The Honorable Rick Larsen
Ranking Member, House Committee on Transportation and Infrastructure

Should you require any additional assistance, please do not hesitate to contact my Senate Liaison Office at (202) 224-2913 or House Liaison Office at (202) 225-4775.

Sincerely,

A handwritten signature in blue ink, which appears to read "LL Fagan".

Linda L. Fagan
Admiral, U.S. Coast Guard
Commandant



Sexual Misconduct on U.S. Vessels (FY 2023)

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I. Legislative Language

This report responds to the language set forth in Section 10105 of Title 46, U.S. Code (U.S.C.), which reads:

46 U.S.C. §10105. REPORTS TO CONGRESS

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Don Young Coast Guard Authorization Act of 2022, and on an annual basis thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

- (1) the number of reports received under section 10104 [46 U.S.C. §10104: Requirement to report sexual offenses];
- (2) the number of penalties issued under such section;
- (3) the number of open investigations under such section, completed investigations under such section, and the outcomes of such open or completed investigations;
- (4) the number of assessments or audits conducted under section 3203 and the outcome of those assessments or audits;
- (5) a statistical analysis of compliance with the safety management system criteria under section 3203;
- (6) the number of credentials denied or revoked due to sexual harassment, sexual assault, or related offenses; and
- (7) recommendations to support efforts of the Coast Guard to improve investigations and oversight of sexual harassment and sexual assault in the maritime sector, including funding requirements and legislative change proposals necessary to ensure compliance with title CXVI of the Don Young Coast Guard Authorization Act of 2022 and the amendments made by such title.

(b) PRIVACY.—In collecting the information required under subsection (a), the Commandant shall collect such information in a manner that protects the privacy rights of individuals who are subjects of such information.

II. Background

Sexual misconduct, which includes incidents of sexual assault and sexual harassment, has no place in the maritime industry and the Coast Guard is committed to helping to prevent these occurrences and respond effectively to reports, enabling the maritime industry to eliminate this toxic behavior from the workplace. The Don Young Coast Guard Authorization Act (CGAA) of 2022 amended Title 46, U.S. Code, definitions, reporting requirements, and statutorily required sanctions for sexual assault and sexual harassment on U.S. vessels. Since enactment, the Coast Guard has engaged in a multi-faceted effort to address sexual misconduct in the maritime industry, to include robust policy development and a comprehensive communications and engagement campaign to promote a respectful culture that is fully committed to preventing destructive behaviors, including sexual assault and sexual harassment.

The Coast Guard leverages the Transportation Security Administration's (TSA) continuous monitoring of Transportation Worker Identification Credential (TWIC) holders, to take immediate administrative actions against credentialed mariners who commit felony offenses. When an individual with a TWIC is wanted, arrested, or convicted of a felony, including rape or aggravated sexual abuse, TSA revokes their TWIC and provides their name to the Coast Guard. The Coast Guard takes suspension and revocation (S&R) action on a mariner's Merchant Mariner Credential (MMC) for certain felony crimes, including acts of sexual misconduct.

The Coast Guard uses the term sexual misconduct, which includes reports of sexual assault and sexual harassment, to remove the burden on survivors to understand nuanced legal definitions of harassment or assault. When the Coast Guard receives a report of harassment, sexual harassment, or sexual assault, trained law enforcement professionals evaluate the circumstances presented and open an investigation based on the highest level of an alleged offense. During an investigation, additional crimes or acts of misconduct are sometimes revealed. Reporting metrics below represent the investigations opened after an initial report was received. Because sexual misconduct and harassing behaviors exist on a continuum of harm, the Coast Guard is also providing information regarding reporting and investigations of assaults regardless of whether sexual misconduct or harassment is part of the assault investigation.

Consistent with law enforcement practices, the Coast Guard uses the terms "victim" and "suspect" for persons involved in sexual misconduct investigations.

The Coast Guard's efforts to enable the maritime industry to eliminate misconduct in the maritime environment have yielded positive results, fostering cultural change within the industry and building trust in the Coast Guard. Most notably, the Coast Guard observed a substantial increase in reporting from less than three cases annually to hundreds of new and previously unreported allegations dating back over a decade. The Service will continue its educational outreach campaign and collaboration with federal advisory committees, such as the National Merchant Marine Personnel Advisory Committee and the National Merchant Mariner Medical Advisory Committee, to gather recommendations for more impactful prevention training and support for survivors.

Our work at the International Maritime Organization's Maritime Safety Committee helps prioritize the development of mandatory training provisions addressing bullying, harassment, and sexual misconduct. Collaboration within the interagency and with non-profit organizations aims to create a culture inhospitable to sexual misconduct in the maritime industry and foster trust in the Coast Guard's efforts to address such behavior. The Coast Guard's approach underscores a commitment to prevention, education, and enforcement to ensure a safe workplace for all mariners.

III. Report

Sexual misconduct that occurs on board U.S. vessels harms mariners, interrupts safe operations, and often leads to accidents, lost careers, and a lifetime of trauma for survivors. The Coast Guard is committed to investigating all reports of sexual misconduct on U.S. vessels, supporting survivors and pursuing appropriate enforcement actions.

The Coast Guard has seen a significant increase in reports since the CGAA of FY 2022 updated reporting requirements under Title 46, U.S. Code, for sexual assault, sexual harassment, and harassment on U.S. vessels. However, the first year of data is insufficient to expose the full extent of this behavior in the maritime industry. The Coast Guard will continue to collect and assess data with the intent to better target future prevention, accountability, and survivor response efforts.

The data¹ reported below represents investigations from December 23, 2022, through September 30, 2023, unless otherwise noted. Future reports will cover full fiscal years.

Number of reports received under 46 U.S. Code §10104.

Offense Type	Amount
Sexual Assault	25
Assault	15
Sexual Harassment	57
Harassment	53
TOTAL	150

During this timeframe, no violations related to failing to report an incidence of sexual misconduct or harassment were identified that warranted issuing a civil penalty to a responsible entity under 46 U.S. Code §10104. Coast Guard personnel are closely monitoring reporting of these offenses and fully prepared to pursue civil penalties for instances where a responsible entity fails to make an initial report or provide the results of their required internal investigations in the required timeframes.

Number of open and completed investigations.

Open Criminal Investigations

Offense Type	Amount	Outcome
Sexual Assault	15	Under Investigation
Assault	13	Under Investigation
Sexual Harassment	8	Under Investigation
Harassment	1	Under Investigation
TOTAL	37	

¹ This data was sourced from Coast Guard Investigation Service's database, the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) databases, and the S&R National Center of Expertise.

Open S&R Investigations

Offense Type	Amount	Outcome
Sexual Assault	7	Under Investigation
Assault	2	Under Investigation
Sexual Harassment	48	Under Investigation
Harassment	48	Under Investigation
TWIC revocation-sex offenses	7	Under Investigation
TOTAL	112	

Completed Criminal Investigations

Offense Type	Amount	Outcome
Sexual Assault	10	Referred to Department of Justice (DOJ). No criminal case pursued by DOJ.
Assault	2	Referred to DOJ. No criminal case pursued by DOJ.
TOTAL	12	

Completed S&R Investigations

Offense Type	Amount	Outcomes
Sexual Assault	3	Coast Guard lacked S&R jurisdiction in two investigations to pursue enforcement because the suspect did not have a valid MMC. The National Maritime Center (NMC) was notified for consideration for any future MMC applications. One investigation lacked evidence to identify victim or suspect; no complaint was served.
Sexual Harassment	1	Coast Guard lacked jurisdiction to pursue enforcement because the suspect did not have a valid MMC. The NMC was notified for consideration for any future MMC applications.
Harassment	4	Coast Guard lacked jurisdiction to pursue enforcement because the suspects did not have valid MMCs. The NMC was notified for consideration for any future MMC applications.
TWIC Revocation-Sex Offenses	2	Both mariners voluntarily surrendered their MMCs after receiving a complaint filed by the Coast Guard.
TOTAL	10	

There were existing sexual misconduct related S&R investigations in process prior to December 23, 2022. The below table details S&R investigations which were opened before the enactment of the CGAA of 2022, and were adjudicated between January 1, 2023, and September 30, 2023.

Offense Type	Amount	Outcomes
Sexual Assault	4	3 suspensions and 1 voluntary surrender.
Sexual Harassment	3	2 suspensions and 1 voluntary surrender.
Harassment	1	Coast Guard lacked jurisdiction to pursue enforcement because the suspect did not have a valid MMC. The NMC was notified for consideration for any future MMC applications.
TWIC Revocation-Sex Offenses	9	6 revocations, 2 voluntary surrenders, and 1 suspension.
TOTAL	17	

Number of assessments or audits conducted under section 3203 and outcomes.

The Coast Guard is reviewing amendments to 46 U.S. Code §3203 enacted in the CGAA of 2022. As of September 30, 2023, the Coast Guard did not conduct assessments or audits under section 3203 pending completion of this review and development of implementing regulations.

Statistical analysis of compliance with the Safety Management System criteria under section 3203.

As of September 30, 2023, the Coast Guard did not conduct assessments or audits under section 3203 pending completion of this review and potential development of implementing regulations.

Number of credentials denied or revoked due to sexual harassment, sexual assault, or related offenses.

In fiscal year 2023, the Coast Guard denied 43 MMC applicants due to sexual assault convictions pursuant to 46 U.S. Code §7511. Four of those applicants were referred to S&R since they had valid MMCs. Of the 43 initial denials, six appealed the denial. Of the six appeals, two were denied and four are under consideration.

Recommendations to support efforts of the Coast Guard to improve investigations and oversight of sexual harassment and sexual assault in the maritime sector.

The Coast Guard continues to work with Congress, other government agencies, and the maritime industry to implement Title 46 amendments. Sexual assault and sexual harassment are now defined under 46 U.S. Code §2101; however, the term “harassment” is not currently defined. The Coast Guard’s guidance to industry is that a responsible entity should refer to their company’s anti-harassment policy, procedures, safety management system, or similar document that defines harassment or describes incidents of harassment. In the absence of company policy, responsible entities have been encouraged to use their best judgment and err on the side of reporting to the Coast Guard when in doubt as to whether a harassment allegation meets the required threshold.

Under 46 U.S. Code §10104(d)(1), submission of after-action summaries by reporting entities is only required for sexual harassment and sexual assault incidents, not harassment incidents. Therefore, nearly one-third of reports received in the reporting period did not require a follow-up report. This challenges the Coast Guard's ability to conduct oversight of investigations conducted by responsible entities.

Further, 46 U.S. Code §10104(b)(2) requires the name of the individual making a report but not the name of the suspect or victim involved in the reported incident. For reports received in this reporting period, 44 (29 percent) did not include the suspect's name and seven (5 percent) did not include the victim's name. The lack of this information can delay or inhibit Coast Guard investigations.

To further implement legislation, the Coast Guard is assessing its processes and authorities to conduct criminal background checks, in conjunction with the Department of Homeland Security, to include use of name-based searches of the Federal Bureau of Investigation's Interstate Identification Index.

The Coast Guard, in accordance with the Executive Branch legislative proposal procedures of the Department of Homeland Security and the Office of Management and Budget, may further consider these issues and looks forward to potential future engagement with Congress.

IV. Conclusion

Efforts described in this report are part of broad goals to prevent sexual misconduct and enabling behaviors on U.S. commercial vessels and create a safe and inclusive environment for all. These measures aim to prevent and address occurrences of sexual misconduct by promoting a culture of respect and accountability throughout the maritime domain.

Appendix: Abbreviations

Abbreviations	Definition
CGAA	Coast Guard Authorization Act
DOJ	Department of Justice
MISLE	Marine Information for Safety and Law Enforcement
MMC	Merchant Mariner Credential
NMC	National Maritime Center
S&R	Suspension and Revocation
TSA	Transportation Security Administration
TWIC	Transportation Worker Identification Credential