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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

October 12, 2021

Lucinda Lessley
Acting Administrator, Maritime Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Acting Administrator Lessley:

I write to express my grave concern over the allegations of rape, sexual assault, and sexual harassment made by midshipmen at the U.S. Merchant Marine Academy (“USMMA”) and the response by you and others at the Department of Transportation (“DOT”). Through the Maritime Legal Aid & Advocacy (“MLAA”), a legal advocacy group formed on behalf of mariners, victims’ stories of shipboard sexual harassment, sexual assault, and rape have bravely shared their personal stories in blog posts on the group’s website. You and Deputy Secretary Trottenberg sent an open letter to the King’s Point community and posted it on the USMMA website on Saturday, October 2, 2021 acknowledging these allegations and expressing your unwavering support for the individual who shared her story on September 27. The despicable accounts put forth by brave young women and men just starting promising careers in the maritime industry are frightening and unacceptable. Many of these allegations involve a repeated pattern of crimes and intimidations committed by people in positions of power and responsibility on merchant ships, and include alleged poor oversight or policy failures of USMMA officials and Coast Guard investigators.

In light of the seriousness of these allegations, I ask that you provide the committee with a description of the steps that have been taken by Maritime Administration (“MARAD”), the DOT, and the USMMA to investigate the allegations made on the MLAA’s website, and actions taken in response to findings in those investigations. Additionally, I request the following information:

1. How many reports of rape, sexual assault, sexual harassment or related offenses have been reported by or concerning midshipmen of the USMMA in the last 10 years? Please provide a breakdown of these reports that includes whether the incidents occurred on campus, off campus, or at sea during Sea Year, the party that conducted the investigation(s), and the outcome of that investigation.
2. In the event that a midshipman is removed from a vessel following a sexual assault or harassment report(s), does USMMA remove all midshipmen onboard the vessel for

their Sea Year? Please include copies of the USMMA policy, regulation or other guidance on this matter.

3. If a vessel or its parent company is the subject of a sexual assault or sexual harassment complaint, does the USMMA assign midshipmen to those vessels in the future? Please include copies of the USMMA policy, regulation or other guidance on this matter.
4. In the event that a midshipman makes an informal or formal complaint of sexual assault, harassment, or discrimination, may they request to be assigned to a different vessel for the duration of their Sea Year? Please include copies of the USMMA policy, regulation or other guidance on this matter.
5. What actions can be and have been taken by the Coast Guard to withdraw or suspend credentials of mariners with a history of allegations of sexual assault and harassment against Sea Year midshipmen?

The maritime industry and United States Merchant Marine are a vital part of our national security and our nation's economy. Sexual harassment, sexual assault, and other offenses are unacceptable, and the USMMA must immediately take action to stop this behavior and protect the men and women of the USMMA both at the Academy, and at sea. To that end, I request responses to these questions no later than October 26, 2021. For any questions, you may contact majority staff lead on maritime policy, Nicole Teutschel at 202-224-0510 and majority chief investigative counsel, Caitlin Warner at 202-224-0290.

Sincerely,



MARIA CANTWELL
Chair

CC: Admiral Karl L. Schultz, Commandant, United States Coast Guard

**Prepared by the Maritime Administration
In Response to October 12, 2021 Letter from Chair Cantwell,
Senate Committee on Commerce, Science, and Transportation**

Disposition of Officially Reported Cases of Sexual Assault During the 2019-2020 Academic Year				
Incident	Victim	Subject	Investigation	Result
1	Midshipman Female	Midshipman	Yes	Unrestricted ¹ Perpetrator disenrolled in conjunction with Incident 6
2	Midshipman Female	Midshipman	Yes	Unrestricted Perpetrator disenrolled
3	Midshipman Female	Other	None	Restricted
4	Midshipman Female	Midshipman	None	Restricted
5	Midshipman Male	Midshipman	None	Restricted
6	Midshipman Female	Midshipman	Yes	Unrestricted ² Perpetrator disenrolled

Note: “Unrestricted” or “Restricted” in the “Result” column refers not to whether the results of an investigation can be disclosed, but to the type of reporting the victim chooses and whether an investigation subsequently occurs. Restricted reporting does not trigger an official investigation, although the victim is able to convert a Restricted report to an Unrestricted report at a later time. Unrestricted reporting triggers an administrative investigation of the allegations, with the option of also reporting the incident to law enforcement for a possible criminal investigation. An Unrestricted report cannot be converted to a Restricted report.

¹ This was initially a restricted report made in 2016. The victim opted to not restrict the report in June 2020 in order to initiate an administrative investigation into the incident.

² Perpetrator was the same as in Incident 1.



U.S. Department
of Transportation

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

**Maritime
Administration**

December 1, 2021

The Honorable Maria Cantwell
Chair, Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

Dear Chair Cantwell:

I am writing in further response to your October 12, 2021 letter regarding the recent report by a midshipman who shared a devastating story of being sexually assaulted during the U.S. Merchant Marine Academy (USMMA or Academy) Sea Year training program. As we stated in our initial November 1 response, the U.S. Department of Transportation (DOT), including the Maritime Administration (MARAD), offers its unwavering support to this student (Midshipman X), and we are marshaling all available resources to strengthen the safety and support the success of the Academy's midshipmen. To that end, on November 2, DOT announced its decision to pause the November Sea Year training temporarily while it strengthens USMMA's Sexual Assault and Sexual Harassment (SASH) prevention policies and procedures for cadets training on commercial vessels. We look forward to working with you on these issues as we develop those policies and procedures.

In response to the specific requests in your October 12 letter, your letter first requests that we "provide the committee with a description of the steps that have been taken by MARAD, the DOT, and the USMMA to investigate the allegations made on the MLAA's website, and actions taken in response to findings in those allegations." DOT takes all allegations of sexual assault or sexual harassment involving its midshipmen very seriously and we have been informed that both the Coast Guard Investigative Service (CGIS) and Maersk have ongoing investigations into this matter. As for website of the Maritime Legal Aid & Advocacy (MLAA), please note that MLAA—a non-profit organization that states that it serves as a legal advocate for mariners—is not affiliated with USMMA. MLAA does not provide information directly to the Academy, and the accounts posted to the website are often anonymous. In this case, Midshipman X has not filed a report with USMMA. As a result, DOT's ability to investigate this specific report, which recently was posted on MLAA's website, is limited because Midshipman X is maintaining their right to anonymity.

The Academy itself is working to implement strong measures to support SASH victims, ensure perpetrators are brought to justice, and remove any barriers to reporting. With these goals in mind, USMMA is undertaking significant revisions to its policies and procedures, which we will share with you in the near future.

The Honorable Maria Cantwell

Your letter also includes the following numbered requests:

Request No. 1: *“How many reports of rape, sexual assault or related offenses have been reported by or concerning midshipmen of the USMMA in the last 10 years? Please provide a breakdown of these reports that includes whether the incidents occurred on campus, off campus, or at sea during Sea Year, the party that conducted investigation(s), and the outcome of that investigation.”*

We understand from discussions with Committee staff following receipt of your letter that the Committee also is interested in receiving data on the gender of reporting victims and the name(s) of the companies operating the ships on which reported incidents occurred.

Our November 1 initial response to your letter enclosed USMMA’s annual reports from academic years 2011 through 2019 pertaining to SASH cases, along with a chart identifying reported incidents from 2019-2020. Although these reports include information on reported SASH incidents and the results of USMMA’s biennial surveys on SASH issues, they did not include all of the specific data sought by the Committee. We enclose with this letter a series of charts that include the data sought by the Committee.

The enclosed charts begin with academic year 2012-2013. USMMA hired its first Sexual Assault Response Coordinator (SARC) in 2012, and USMMA has since been building its Sexual Assault Prevention and Response (SAPR) Program—including improving data collection on SASH incidents. The enclosed charts incorporate the data requested by the Committee for reported incidents, including the dates of the incident and of the subsequent report, the survivor gender, the type of incident, where the incident took place, the location and timing of the incident, the names of the companies operating the ships on which the at-sea incidents occurred, including the numbers of incidents involving each company, and for incidents that resulted in a USMMA administrative investigation, the outcome of the investigation.

As detailed in the November 3 email to Committee staff from DOT’s Principal Deputy Assistant Secretary for Governmental Affairs and DOT’s conversation with Committee staff on November 9, USMMA does not have full information on all SASH incidents on campus or at sea. When a midshipman decides to submit a “Restricted” report to the SAPR Office, they avail themselves of medical treatment, advocacy services, and counseling, but USMMA maintains the confidentiality of the report and does not initiate an investigation; USMMA policy provides for an exception when there is an imminent threat to the health or safety of the complainant or another person, or the complaint involves a repeat offender. As a result, while USMMA knows of Restricted reports and they are included in the enclosed chart, there generally will be no information pertaining to a USMMA investigation regarding such reports. A midshipman also may choose to seek assistance from USMMA’s Office of Health Services or the Academy Chaplain with the intent of keeping the SASH incident confidential. For such “Confidential” disclosures, USMMA respects the midshipman’s desire for confidentiality and the privileges associated with outreach to health care personnel and clergy, and USMMA does not receive information on these incidents.

For “Unrestricted” reports of on campus incidents, USMMA conducts the resulting administrative investigations and we have included the outcomes of those investigations in the

enclosed charts, as well as the outcome of any related criminal investigation conducted by DOT's Office of Inspector General (OIG), to the extent USMMA was informed of the outcome of such criminal investigations. In addition, USMMA does not conduct the investigation for at-sea incidents (unless the alleged perpetrator of the reported incident is a USMMA student). The commercial shipping companies are responsible for conducting the administrative investigations into alleged conduct by their own crew members. USMMA may not have the results of an administrative investigation conducted by a company operating a ship, or any related criminal investigation conducted by CGIS or the Naval Criminal Investigative Service (NCIS). USMMA has full information on investigations into Unrestricted reports of on-campus incidents or off-campus incidents in which the perpetrator is a student because USMMA conducts those investigations. Finally, midshipmen do not always report SASH incidents, and removing barriers to reporting is a priority for USMMA. We enclose Superintendent Instruction 2018-05, a policy that describes the conduct of SASH-related investigations and hearings.

Subject to these limitations, we have compiled the data requested by the Committee into the enclosed charts. As promised in DOT's November 3 email to Committee staff, we also enclose a detailed summary of what events are triggered upon USMMA's receipt of a SASH complaint.

Request No. 2: *"In the event that a midshipman is removed from a vessel following a sexual assault or harassment report(s), does USMMA remove all midshipmen onboard the vessel for their Sea Year? Please include copies of the USMMA policy, regulation or other guidance on this matter.*

Customarily, USMMA midshipmen are placed aboard a commercial ship for Sea Year training in pairs of two for each vessel, as Sea Year Partners. The Academy has a written standard operating procedure (SOP) that requires the Academy to remove a midshipman from a ship if their Sea Year Partner is removed following use of a code/safe word indicating they feel threatened or unsafe. This SOP, titled *Office of Professional Development & Career Services aka Shipboard Training Standard Operating Procedures* (May 25, 2017), states: "In the event a MIDN [Midshipman] uses the code word in written or spoken form all KP [Kings Point] cadets will be removed from that vessel as quickly as possible and returned to USMMA." We enclose the SOP with this letter.

The Academy also has an October 2018 *Satellite Texting Devices* SOP (dated October 9, 2018) that reinforces the policy to remove a midshipman and their Sea Year Partner from a ship following use of the code/safe word. Midshipmen are provided satellite texting devices prior to boarding a vessel for Sea Year training, and they may use those devices for certain purposes. Under the *Satellite Texting Devices* SOP, "Midshipmen may text the designated safe word to any ATR [Academy Training Representative]. Upon receipt of this safe word, the ATR will follow protocol to remove the Midshipman and his/her sea partner from the ship as soon as practicable without questioning the reason for the request." This SOP is also enclosed with this letter.

If a midshipman is removed from a ship as a result of a sexual assault or harassment report, it is the Academy's practice to remove their Sea Year Partner as well. If the Sea Year Partner wishes to stay aboard the ship and there is a minimal amount of time left in their at-sea training—typically ten or fewer days—USMMA will consider permitting the Sea Year Partner to stay

The Honorable Maria Cantwell

aboard the vessel. Although USMMA currently does not have a written policy memorializing its procedures for handling the removal of midshipmen from ships in the context of SASH incidents specifically, USMMA is developing such a policy.

Request No. 3: *If a vessel or its parent company is the subject of a sexual assault or sexual harassment complaint, does the USMMA assign midshipmen to those vessels in the future? Please include copies of the USMMA policy, regulation or other guidance on this matter.*

USMMA does not assign midshipmen to vessels when it is aware that a crewmember has been the subject of a sexual assault or sexual harassment allegation, unless that crewmember has been cleared by an investigation. The Academy is in the process of memorializing its practice into a written policy in order to ensure that the policy is followed consistently and that the Academy has the requisite information from the commercial shipping companies to protect its midshipmen at sea.

Request No. 4: *In the event that a midshipman makes an informal or formal complaint of sexual assault, harassment, or discrimination, may they request to be assigned to a different vessel for the duration of their Sea Year? Please include copies of the USMMA policy, regulation or other guidance on this matter.*

USMMA changes at-sea training assignments whenever necessary for the safety of midshipmen, including following a complaint of sexual assault or sexual harassment. As noted above, USMMA's *Office of Professional Development & Career Services aka Shipboard Training Standard Operating Procedures* and *Standard Operating Procedures for Satellite Texting Devices* permit midshipmen to use their satellite devices, e-mail, satellite phone or other communication methods to text a code word to any ATR, who will follow protocol to remove the midshipman and their sea partner from the ship as soon as practicable, without questioning the reasons for the midshipman's use of the code word. USMMA's Sea Year Guide similarly provides information on how a midshipman seeking removal from a ship can use the code word via their satellite texting device, e-mail, or other communication method. I enclose a copy of the Sea Year Guide with this letter. Although USMMA created the Sea Year Guide to help midshipmen navigate through their Sea Year experience, the guide is outdated and does not reflect many of USMMA's current policies and practices, including some related to SASH issues. As a result, the Academy is in the process of making significant revisions to the Sea Year Guide to ensure it reflects USMMA's current policies, including those designed to protect USMMA's midshipmen at sea.

Where a midshipman is removed from a ship as a result of a SASH allegation, USMMA makes every effort to reassign the midshipman and their sea partner as soon as practicable, so as not to disrupt their accrual of sea days but only when the location of the vessel makes it safe to do so. USMMA is in the process of developing a written policy to cover the practice of removing and reassigning a midshipman from a commercial shipping company based on a SASH allegation.

Request No. 5: *What actions can be and have been taken by the Coast Guard to withdraw or suspend the credential of mariners with a history of allegations of sexual assault and harassment against Sea Year midshipmen?*

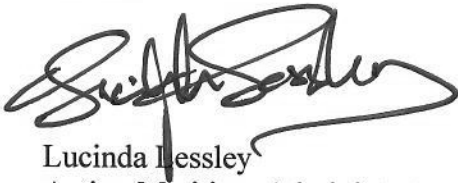
The Honorable Maria Cantwell

As we noted in our November 1 interim response, we have been in close contact with the Coast Guard regarding the handling of sexual assault and harassment by credentialed mariners, and the Coast Guard will provide the Committee with a separate response to this question that includes a thorough review of the mechanisms by which a mariner may be held accountable for their unacceptable behavior.

Thank you for your consideration of these critically important matters. As stated above, we are determined to ensure the safety of USMMA midshipmen and will take whatever measures are necessary to achieve that goal. We look forward to working with you further on these issues.

If you have any questions concerning this letter, please do not hesitate to contact me or Kristen Amarosa, Supervisory Legislative Affairs Specialist, at (202) 366-4145.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lucinda Lessley', with a stylized flourish extending to the right.

Lucinda Lessley
Acting Maritime Administrator

Enclosures

cc: Admiral Karl L. Schultz, Commandant, United States Coast Guard



U.S. Department
of Transportation
**Maritime
Administration**

Administrator

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

November 01, 2021

The Honorable Maria Cantwell
Chair, Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510-6125

Dear Chair Cantwell:

Thank you for your letter of October 12, 2021, regarding the recent report by a cadet who shared their devastating story of being sexually assaulted during the Sea Year training program at the U.S. Merchant Marine Academy (USMMA or Academy). The Department of Transportation, including the Maritime Administration, offers our unwavering support to this student, and all available resources have been focused on addressing the safety of the Academy's cadets, especially during required at-sea training.

Over the past several weeks, we have met with students, faculty, and staff at the USMMA, Members of Congress, many alumni, especially prominent women in the maritime field, other maritime industry leaders, and labor leaders to discuss this incident and actions that we can take together to combat sexual assault and sexual harassment at the USMMA and throughout the maritime industry.

We are working diligently to prepare thorough responses to the questions posed in your letter. In the meantime, we are providing this interim response with some of the information you requested, and will follow up with complete answers as soon as possible.

In response to your first request, please find enclosed the annual reports from the past ten years pertaining to Sexual Assault and Sexual Harassment (SASH) issued by the USMMA (academic years 2011 through 2019). The previous administration did not complete a traditional survey in the academic year 2019-2020 due to COVID-19, but we are enclosing tabular data on sexual assault incidents reported during that period. We also are revising the biennial report for 2019-2020, in light of the change in Administrations, and will submit it and the 2020-2021 report to Congress in the near future.

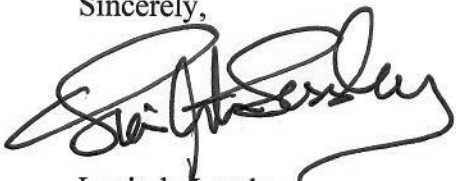
To put the annual reports in context, the reports do not encompass all SASH incidents on campus or at sea, for several reasons. First, on-campus confidential sources to whom survivors can disclose a SASH incident without reporting it include the Academy

Chaplain and credentialed health services personnel. Neither the Chaplain nor health services personnel can disclose these incidents to Academy officials, even for statistical purposes, without the survivor's consent. This is a recent development due to a 2019 Superintendent Notice¹ meant to encourage victims to seek medical or spiritual care where they otherwise would not do so out concern that a mandatory report would be filed by other sources, such as a Victim Advocate. We are working with the Academy to understand the scope of impact this change has had on reporting, if any. Second, survivors may make reports directly to law enforcement, external licensed health care professionals, external faith leaders, or shipping companies, none of whom are required to disclose such reports to the Academy. Finally, some survivors elect not to make a report to anyone. In past surveys, USMMA cadets have identified several barriers to reporting, including shame and embarrassment, fear of retaliation or repercussions, reluctance for others to know of the circumstances, determining that an incident was not serious enough to report, deciding to handle the matter on their own, and not wanting others to talk or gossip about them. A focus of the ongoing review of the Academy's handling of SASH cases is the need to remove impediments to reporting. For these reasons, data in the annual reports and the enclosed chart we have prepared on sexual assaults reported during academic year 2019-2020 undoubtedly understate the scope of SASH incidents in which USMMA students were involved.

As to your fifth question, we have been in close contact with the U.S. Coast Guard regarding the handling of sexual assault and harassment by credentialed mariners. The Coast Guard has indicated that they will provide a separate response to this question regarding specific handling of these cases, which will offer a thorough view of mechanisms by which a mariner may be held accountable for these unacceptable behaviors.

We look forward to addressing the remaining questions soon. Thank you for your attention to these critically important matters, and for your support and guidance as we work together to improve mariner safety at sea, at the USMMA, and throughout the U.S. Merchant Marine.

Sincerely,



Lucinda Lessley
Acting Maritime Administrator

Enclosures

cc: Admiral Karl. L. Schultz, Commandant, United States Coast Guard

¹ Superintendent Notice 2019-03 modified Superintendent Instruction 2018-04 (Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy) and Superintendent Instruction 2018-05 (Reporting, Investigating, and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking against Midshipmen) and provided protection for students who did not feel comfortable speaking to a Victim Advocate due to reporting concerns, but who still wanted to seek care.

4	Midshipman Male	Stranger	Yes	Unrestricted; sexual harassment/stalking online
5	Midshipman Female	Midshipman	No	Restricted; sexual assault in the barracks
6	Midshipman Female	Midshipman	No	Restricted; sexual assault in the barracks
7	Midshipman Female	Unknown	Yes	Unrestricted; sexual harassment/stalking online
8	Midshipman Female	Crewmember	Yes	Unrestricted; sexual harassment at sea

**Enclosures to MARAD Response to Chair Cantwell's October 12, 2021 Letter
Senate Committee on Commerce, Science, and Transportation**

Enclosure 1: Charts of SASH Incident Data prepared for Committee, with attachment

Enclosure 2: Superintendent's Instruction 2018-15, *Reporting, Investigating, and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Against Midshipmen* (May 31, 2018)

Enclosure 3: Procedure for Making an Unrestricted Report of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking (prepared for Committee), with attachment

Enclosure 4: Standard Operating Procedure on *Code Word* (May 25, 2017)

Enclosure 5: Standard Operating Procedure on *Satellite Texting Devices* (October 9, 2018)

Enclosure 6: *USMMA Sea Year Guide*, Revision 14 (February 2, 2020)

MARAD Data Charts Prepared for Senate Committee on Commerce, Science, and Transportation

KEY

RR/UR

RR: Restricted Report – No investigation conducted

UR: Unrestricted Report – Investigation conducted

TYPE:

SA: Sexual assault is intentional touching of a sexual nature, or the attempt to do so, against the will (by use of force, physical threat, coercive conduct, or abuse of authority) or without the consent of another person, or where that person is incapacitated (e.g., "passed out," sleeping, or impaired due to the use of alcohol or drugs, including prescription medications) or otherwise incapable of giving consent. It includes, but is not limited to, the following: (1) Sexual intercourse, including anal, oral or, vaginal penetration, however slight, with a body part (e.g., penis, finger, hand or tongue) or an object; (2) Kissing, touching, groping, fondling, or other intentional contact with the breasts, buttocks, groin, or genitals (over or under an individual's clothing) for purposes of sexual gratification or when such private body parts are otherwise touched in a sexual manner; (3) Sexual contact with someone who is unable to say "no" and/or change their mind due to the presence of coercion or intimidation; or (4) Sexual contact with someone who is under the age of consent in the jurisdiction in which the sexual assault occurs.

SH: Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal, non-verbal, graphic or physical conduct of a sexual nature, including, but not limited to the following: (1) Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual's employment or advancement of employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of an Academy program or activity, including Regimental duties (*quid pro quo*); (2) Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting the individual (*quid pro quo*); or (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's learning, working, or living environment; in other words, it is sufficiently severe, pervasive, or persistent to create an intimidating, hostile, or offensive learning, working, or living environment under both an objective – a reasonable person's view – and subjective – the Complainant's view – standard (hostile environment).

RV: Relationship violence refers to controlling, abusive behavior, including any act of violence or threatened act of violence, against a person who is, or has been involved, in a sexual, dating, domestic, cohabiting or married relationship with that person. Relationship violence can take a

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number of forms including physical, verbal, emotional, economic, and sexual abuse, or any combination thereof.

ST: Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Such conduct includes, but is not limited to, unwelcome acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. It includes cyber-stalking, in which electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used. Stalking can occur in a dating relationship, friendship, or past relationship, or can be perpetrated by a stranger.

Definitions from Superintendent Instruction 2018-04, Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy (attached)

SUMMARY OF DATA

1. Total number of incidents for Academic Years 2012-2013 through 2021-2022 (to date): 85

- a. At Sea: 29¹
- b. On Campus: 36²
- c. Off Campus: 15
- d. Cyber: 6

2. Incidents at sea for Academic Years 2012-2013 through 2021-2022 (to date): 29³

a. Unrestricted: 15

- i.
- ii.
- iii.
- iv. (b)(5); (b)(5) Deliberative Process
Privilege; (b)(6)
- v.
- vi.
- vii.

b. Restricted: 14

- i.
- ii.
- iii. (b)(5); (b)(6)
- iv.
- v.
- vi.

3. Incidents on campus for Academic Years 2012-2013 through 2021-2022 (to date): 36

a. Unrestricted: 12

¹ Incident No. 12 for Academic Year 2018-2019 occurred ashore (at port) during Sea Year; the subject was a crewmember. Thus, it is included in the At Sea numbers.

² Incident No. 1 for Academic Year 2017-2018 occurred both on and off campus; it is included in both the on and off campus totals, accounting for the discrepancy between total number of incidents and the breakdown of incidents by location.

³ The Committee requested information on the companies that operated ships involved in SASH incidents, to help the Committee identify patterns. DOT is providing that information in this summary. While USMMA also has that information "by incident" for the Unrestricted Reports identified in the charts by academic year (below), it is possible such information combined with other information could reveal the identity of a survivor. We know that is neither the Committee's nor DOT's goal. We include this footnote by way of explanation.

⁴ Incident No. 4 for Academic Year 2012-2013 reported by Survivor after she graduated from the Academy; she did not provide the name of the shipping company in her report and worked directly with CGIS.

- i. Subjects disenrolled: 6 (2 subjects named by 2 survivors)
- ii. Insufficient evidence: 2
- iii. Subject (midshipman) resigned prior to completion of investigation: 1
- iv. Subject disciplined: 1
- v. Subject setback: 1

b. Restricted: 24

4. Incidents off campus for Academic Years 2012-2013 through 2021-2022 (to date): 15

- a. Unrestricted: 7
 - i. Subject disenrolled: 1⁵
 - ii. Subject (employee) resigned prior to completion of investigation: 1
- b. Restricted: 8

5. Cyber Incidents for Academic Years 2012-2013 through 2021-2022 (to date): 6

- a. Unrestricted: 3
- b. Restricted: 3

⁵ Ordinarily, off campus incidents are not investigated by campus security. In these cases, both Survivor and Subject were affiliated with the Academy, so campus security had the ability to investigate.

ACADEMIC YEAR 2021-2022 (to date)

No.	Report date	Incident date	RR/UR	Survivor gender	Subject	Type	Location	When	Investigation by?	Outcome of Investigation
1	(b)(6)		RR	M	MIDN	SH	On Campus	School year	N/A	N/A
2			UR ⁶	F	Crew Member	SH	AT SEA	Sea year	CGIS	Pending
3			UR ⁷	F	Crew Member	SH	AT SEA	Sea year	Marine Vessel ⁸	Determination that violation did occur; action taken and documented with Subject.
4			RR	F	Acquaintance	SA	Off Campus	School year	N/	N/A
5			UR	F	Crew Member	SA	AT SEA	Sea year	CGIS	Pending
6			UR	M	Crew Member	SH	AT SEA	Sea year	Marine Vessel	Letter of warning issued to Subject
7			RR	F	Crew Member	SA	AT SEA	Sea year	N/A	N/A
8			RR	F	Crew Member	SA	AT SEA	Sea year	N/A	N/A
9			RR	F	MIDN	SH	Cyber	School year	N/A	N/A

⁶ Converted from RR or UR on 8/13/21

⁷ Converted from RR to UR on 8/25/21

⁸ In order to prevent the disclosure of information that might otherwise reveal the identity of individuals involved in these incidents at sea, the chart uses the term "Marine Vessel" to identify the vessel/entity responsible for conducting the investigation, except where the entity is CGIS or NCIS.

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ACADEMIC YEAR 2020-2021

No.	Report date	Incident date	RR/UR	Survivor gender	Subject	Type	Location	When	Investigation by?	Outcome of Investigation
1	(b)(6)		RR	F	Crew Member	SA	AT SEA	Sea year	N/A	N/A
2			RR	M	MIDN	SA	On Campus	School year	N/A	N/A
3			RR	F	MIDN	SH	On Campus	School year	N/A	N/A
4			UR ⁹	M	Unknown	SH	Cyber	School year	Survivor directed to FBI Internet Crime Complaint Center ¹⁰	Unknown at this time
5			RR	F	MIDN	SA	On Campus	School year	N/A	N/A
6			RR	F	MIDN	SA	On Campus	School year	N/A	N/A
7			UR	F	Unknown	SH	Cyber	School year	OIG, working with local law enforcement	Complaint not substantiated
8			UR	F	Crew Member	SA	AT SEA	Sea year	Marine Vessel/CGIS	Allegation substantiated; Marine Vessel took action against Subject.
9			RR	M	Unknown	SH	Cyber	School year	N/A	N/A
10			RR	F	Crew Member	SA	AT SEA	Sea year	N/A	N/A
11			UR	M	Unknown	SH	Cyber	School year	OIG	Complaint not substantiated
No.	Report date	Incident date	RR/UR	Survivor gender	Subject	Type	Location	When	Investigation by?	Outcome of Investigation

⁹ Converted from RR to UR on 9/16/20

¹⁰ Campus security does not have capability to investigate Cybercrimes; survivor did not want matter referred to OIG

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12	(b)(6)	RR	F	Crew Member	SA	AT SEA	Sea year	N/A	N/A
13		RR	F	MIDN	SA	On Campus	School year	N/A	N/A
14		RR	M	MIDN	SA	On Campus	School year	N/A	N/A
15		RR	M	Unknown	SH	Cyber	School year	N/A	N/A

ACADEMIC YEAR 2019-2020

No.	Report date	Incident date	RR/UR	Survivor gender	Subject	Type	Location	When	Investigation by?	Outcome of Investigation
1	(b)(6)		RR	Unknown	MIDN	SA	AT SEA	Sea year	N/A	N/A
2			UR	F	MIDN	RV	On Campus	School year	Campus Security	Allegation substantiated; Subject disenrolled
3			UR	M	MIDN	SH	On Campus	School year	Campus Security ¹¹	Insufficient evidence to find violation
4			UR	F	MIDN	SH	On Campus	School year	N/A	Subject resigned before investigation commenced
5			RR	F	Crew member	SA	AT SEA	Sea Year	N/A	N/A
6			RR	M	Civilian	SH	On Campus	School year	N/A	N/A
7			RR	F	MIDN	SA	On Campus	School year	N/A	N/A
8			RR	M	Acquaintance	SA	Off Campus		N/A	N/A
9			UR ¹²	F	MIDN	SA	Off Campus	School year	Campus Security ¹³	Allegation substantiated; Subject disenrolled
10			UR ¹⁴	F	MIDN	SA/RV	On Campus	School year	Campus Security	Allegation substantiated; Subject disenrolled

ACADEMIC YEAR 2018-2019

¹¹ Survivor did not consent to notifying OIG

¹² Converted from RR to UR on 6/13/20

¹³ Survivor did not consent to notifying OIG

¹⁴ Converted from RR to UR on 10/5/20

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No.	Report date	Incident date	RR/UR	Survivor gender	Subject	Type	Location	When	Investigation by?	Outcome of Investigation
1	(b)(6)		UR	M	Crew Member	SH	AT SEA	Sea year	Marine Vessel	Held by Marine Vessel
2			RR	F	Non MIDN Stranger	SA	Off Campus	School year	N/A	N/A
3			UR	F	Crew member	SA	AT SEA	Sea year	Marine Vessel	Investigation validated complaint
4			UR	M	Crew Member	SA	AT SEA	Sea year	NCIS	Allegation not substantiated
5			RR	F	Acquaintance	SA	Off Campus	School year	N/A	N/A
6			RR	F	MIDN	SA	On Campus	School year	N/A	N/A
7			RR	F	Acquaintance	SA	On Campus	School year	N/A	N/A
8			UR	F	Crew Member	SA	AT SEA	Sea year	Marine Vessel	Outcome held by Marine Vessel
9			UR	F	Crew Member	SA	AT SEA	Sea year	Marine Vessel	Outcome held by Marine Vessel
10			RR	M	MIDN	SA	On Campus	School year	N/A	N/A
11			RR	M	MIDN	SH	On Campus	School year	N/A	N/A
12			RR	F	Crew Member	SA	At port while on Sea Year	Sea year	N/A	N/A
13			RR	M	MIDN	SA	On Campus	School year	N/A	N/A

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ACADEMIC YEAR 2017-2018

No.	Report date	Incident date	RR/UR	Survivor gender	Subject	Type	Location	When	Investigation by?	Outcome of Investigation
1	(b)(6)		UR	F	MIDN	ST	On & off campus	School year	Campus security	Allegation substantiated; Subject disenrolled
2			UR	F	Crew Member	SH	AT SEA	Sea year	Marine Vessel	Allegation substantiated; Subject removed from vessel
3			RR	F	MIDN	SA	On Campus	School year	N/A	N/A
4			RR	M	Acquaintance	SA	Off Campus	Before enrolled at Academy	N/A	N/A
5			UR ¹⁵	F	MIDN	SA	On Campus	School year	Campus Security	Allegation substantiated; Subject disenrolled
6			UR ¹⁶	F	MIDN	SA	On Campus	School year	Campus Security/OIG	Insufficient evidence to find violation
7			UR	M	Stranger	SA	Off Campus	School year	Local Law Enforcement	Unknown
8			UR	F	Stranger	SA	AT SEA	Sea year	Marine Vessel	Subject was temporarily on board to pilot vessel; Marine Vessel took

¹⁵ Converted from RR to UR on 10/2/17

¹⁶ Converted from RR to UR on 11/27/17

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									immediate action to protect survivor
9	(b)(6)	RR	F	MIDN	SA	On Campus	School year	N/A	N/A
10		UR ¹⁷	F	MIDN	SA	On Campus	School year	Campus Security / OIG	Allegation substantiated; Subject disenrolled
11		UR	F ¹⁸	MIDN	SA	Off campus	School year	Campus security/ local law enforcement	Allegation substantiated; Subject administratively setback at Academy
12		RR	F	Crew Member	SH	AT SEA	Sea year	N/A	N/A
13		UR	F	Crew Member	SA	AT SEA	Sea year	CGIS	Insufficient evidence to find violation
14		RR	F	Crew Member	SA	AT SEA	Sea year	N/A	N/A
15		RR	F	Crew Member	SA	AT SEA	Sea year	N/A	N/A
16		RR	F	MIDN	SA	On Campus	School year	N/A	N/A
17		RR	F	MIDN	SA	On Campus	School year	N/A	N/A

¹⁷ Converted from RR to UR on 10/20/17

¹⁸ Survivor not a student at the Academy; attended off campus Academy event with subject; submitted complaint with campus security

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ACADEMIC YEAR 2016-2017

No.	Report date	Incident date	RR/UR	Survivor gender	Subject	Type	Location	When	Investigation by?	Outcome of Investigation
1	(b)(6)		RR	F	Security Detail	SA	AT SEA	Sea year	N/A	N/A
2			RR ¹⁹	M	MIDN	SA	Off Campus	School year	OIG	Allegations partially substantiated; civil settlement reached.
3			RR	F	MIDN	SA	AT SEA	Sea year	N/A	N/A
4			UR	F	MIDN	SA	Off Campus ²⁰	School year	Campus security	Allegation substantiated; Subject disenrolled
5			UR	F (different Survivor from No. 4, above)	MIDN	SA	On Campus	School year	Campus security	Allegation substantiated; Subject disenrolled (same Subject as No. 4, above)
6			RR	F	MIDN	SA	On Campus	School year	N/A	N/A
7			RR	M	Acquaintance	SA	Off Campus	School year	N/A	N/A
8			UR	M	Staff Member	SA	Off Campus	School year	Campus security ²¹	Staff member resigned prior to completion of investigation

¹⁹ Although not unrestricted by Survivor, third party information came to light about the incident sufficient to trigger an OIG investigation.

²⁰ Ordinarily an off campus incident would not be investigated by campus security. In this case, the Survivor and Subject were both affiliated with the Academy, so campus security conducted an investigation.

²¹ Ordinarily an off campus incident would not be investigated by campus security. In this case, the Survivor and Subject were both affiliated with the Academy, so campus security conducted an investigation; survivor did not consent to notifying law enforcement

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9	(b)(6)	UR ²²	F	MIDN	SA	On Campus	School year	Campus security ²³	Subject disenrolled in other proceeding (AY 2019-2020, No. 9) prior to hearing being held
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²² Converted from RR to UR on 6/14/20

²³ Survivor did not consent to notifying OIG

ACADEMIC YEAR 2015-2016

No.	Report date	Incident date	RR/UR	Survivor gender	Subject	Type	Location	When	Investigation by?	Outcome of Investigation
1	(b)(6)		RR	F	MIDN	SA	Off Campus	School year	N/A	N/A
2			RR	F	MIDN	SA	On Campus	School year	N/A	N/A
3			RR	F	MIDN	SA	On Campus	School year	N/A	N/A
4			RR	F ²⁴	MIDN	SA	On Campus	School year	N/A	N/A

²⁴ Same survivor as No. 3

ACADEMIC YEAR 2014-2015

No.	Report date	Incident date	RR/UR	Survivor gender	Subject	Type	Location	When	Investigation by?	Outcome of Investigation
1	(b)(6)		UR	F	MIDN	SA	On Campus	School year	Campus security	Insufficient evidence to find SA, but action taken against Subject for "conduct unbecoming"

ACADEMIC YEAR 2013-2014

No.	Report date	Incident date	RR/UR	Survivor gender	Subject	Type	Location	When	Investigation by?	Outcome of Investigation
1	(b)(6)		RR	F	MIDN	SA	On Campus	School year	N/A	N/A
2			UR	F	Crewmember	SA	AT SEA	Sea year	Marine Vessel	Outcome held by Marine Vessel
3			UR ²⁵	F	MIDN	SA	On Campus	School year	Campus security/FBI	Allegation substantiated; Subject disenrolled

²⁵ Converted from RR to UR on 5/27/14

ACADEMIC YEAR 2012-2013

No.	Report date	Incident date	RR/UR	Survivor gender	Subject	Type	Location	When	Investigation by?	Outcome of Investigation
1	(b)(6)		RR	F	Crew member	SA	AT SEA	Sea year	N/A	N/A
2			RR	F	MIDN	SA	On Campus	School year	N/A	N/A
3			UR ²⁶	F	Stranger	SA	Off Campus	School year	Local law enforcement	Unknown
4			UR	F	Crew member	SA	AT SEA	Sea year	CGIS/FBI	Allegations not substantiated.

²⁶ Converted from RR to UR on 4/9/2013

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Congress of the United States
Washington, DC 20515

October 29, 2021

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Dear Mr. Secretary:

We are very concerned with the recent allegations of sexual assault by a female cadet at the United States Merchant Marine Academy (USMMA) during her Sea Year experience in 2019. This brave female cadet not only shared her story on the terrible circumstance she endured while at sea, but also detailed alarming statistics regarding the number of other female cadets within her class who have also been harassed and assaulted. In response to the blog post, there have been countless other brave individuals who have come forward to share their personal stories during their time at sea. This incident sheds light on the toxic culture not only at USMMA, but within the maritime industry where cadets and mariners are in danger and have no escape from their perpetrators.

In 2016, the Department of Transportation (department or DOT) stood down the Sea Year program to implement changes to better protect students. But those changes clearly did not work, and we are concerned that the cadets remain in danger.

Despite the recent allegations, it has come to our attention that DOT is considering sending cadets back to sea on commercial vessels in a matter of weeks with few meaningful changes or safeguards in place. While we understand that improved communication devices would be provided to each student, this course of action on its own falls short and is unacceptable. Since the Department has given no indication that meaningful and necessary steps have been taken to ensure the safety of cadets in the Sea Year program, we believe the USMMA should not proceed with Sea Year this term. Prior to the resumption of Sea Year, we request the USMMA develop a public written action plan that includes detailed steps that will be taken to ensure the safety of cadets at sea.

While we understand the importance of a timely graduation for USMMA cadets, the safety of those same cadets should be your top concern. We stand ready to assist the Department in ensuring a complete educational experience and a timely graduation.

Furthermore, we believe there needs to be a change in the leadership of the USMMA. Vice Admiral Joachim Buono, USMMA Superintendent, has failed to take seriously the safety of his students and has not demonstrated a commitment to change the toxic culture at the Academy and during Sea Year. Superintendent Buono must be removed from his position.

We expect the department to adopt robust policy changes before the Sea Year program can resume. The maritime industry and United States Merchant Marine are a vital part of our national security and our nation's economy. Sexual harassment, sexual assault, and other offenses are

intolerable, and the department must take immediate and long-term action to stop these offenses to protect the cadets of the USMMA, both at the Academy and at sea.

Should you have any questions or require additional information please contact Matt Dwyer at (202) 617-5926 or Nicole Teutschel at (202) 224-4912.

Sincerely,



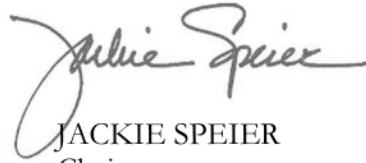
PETER A. DeFAZIO
Chair
House Committee
on Transportation and Infrastructure



MARIA CANTWELL
Chair
Senate Committee
on Commerce, Science, and Transportation



ADAM SMITH
Chair
House Committee
on Armed Services



JACKIE SPEIER
Chair
Subcommittee on Military Personnel
House Committee
on Armed Services



JOE COURTNEY
Chair
Subcommittee on Seapower
and Projection Forces
House Committee
on Armed Services



SALUD CARBAJAL
Chair
Subcommittee on Coast Guard
and Maritime Transportation
House Committee
on Transportation and Infrastructure

cc: Lucinda Lessley
Acting Administrator of Maritime Administration