

118TH CONGRESS
2D SESSION

H. R. 7557

To protect members of the Coast Guard from sexual assault and harassment and increase transparency within the Coast Guard, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2024

Mr. WEBSTER of Florida (for himself, Mr. CARBAJAL, Mr. GRAVES of Missouri, and Mr. LARSEN of Washington) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To protect members of the Coast Guard from sexual assault and harassment and increase transparency within the Coast Guard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Coast Guard Protection and Accountability Act of
6 2024”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Findings.
- Sec. 3. Implementation status of directed actions.
- Sec. 4. Independent review of Coast Guard reforms.
- Sec. 5. Requirement to maintain certain records.
- Sec. 6. Study on Coast Guard Academy oversight.
- Sec. 7. Providing for the transfer of a cadet who is the victim of a sexual assault or related offense.
- Sec. 8. Designation of officers with particular expertise in military justice or healthcare.
- Sec. 9. Direct hire authority for certain personnel of Coast Guard.
- Sec. 10. Safe-to-report policy for Coast Guard.
- Sec. 11. Modification of delivery date of Coast Guard sexual assault report.
- Sec. 12. Higher-level review of board of determination decisions.
- Sec. 13. Review of discharge or dismissal.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In 2014, the Coast Guard initiated Oper-
4 ation Fouled Anchor, an investigation that revealed
5 reports of rapes, sexual assaults, and other forms of
6 harassment at the Coast Guard Academy from the
7 1990s until 2006.

8 (2) During the period investigated, and partly
9 driven by efforts to protect the reputation of the
10 Coast Guard, the Coast Guard repeatedly mis-
11 handled cases of sexual assault, failed to protect vic-
12 tims, and did not hold perpetrators properly ac-
13 countable.

14 (3) Furthermore, until prompted by a news re-
15 port published in 2023, the Coast Guard buried the
16 findings of Operation Fouled Anchor by failing to
17 share the findings with Congress and the public, and
18 neglected to make needed reforms and cultural
19 changes within the service.

1 (4) In November 2023, the Coast Guard pub-
2 lished an Accountability and Transparency Review.
3 As a result of the review, the Commandant of the
4 Coast Guard directed the implementation of actions
5 in support of the Accountability and Transparency
6 Review. The directed actions include structural
7 changes, training improvements, and greater support
8 and guidance for members of the Coast Guard who
9 are victims of sexual assault and harassment.

10 (5) To ensure public confidence in the service,
11 the Coast Guard requires additional oversight and
12 accountability to affect the improvements and pro-
13 tections deserved by service members of the Coast
14 Guard.

15 **SEC. 3. IMPLEMENTATION STATUS OF DIRECTED ACTIONS.**

16 (a) IN GENERAL.—Chapter 51 of title 14, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 **“§ 5116. Implementation status of directed actions**

20 “(a) IN GENERAL.—Not later than March 1, 2025,
21 and not later than March 1 of each of the 3 subsequent
22 years thereafter, the Commandant shall submit to the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives and the Committee on Com-
25 merce, Science, and Transportation of the Senate a report

1 on the status of the implementation of each directed action
2 outlined in enclosure 1 of the memorandum of the Com-
3 mandant titled ‘Commandant’s Directed Actions—Ac-
4 countability and Transparency’, dated November 27,
5 2023.

6 “(b) CONTENTS.—The report required under section
7 (a) shall contain the following:

8 “(1) The status of the implementation of each
9 directed action from enclosure 1 of the memorandum
10 titled ‘Commandant’s Directed Actions—Account-
11 ability and Transparency’ dated November 27, 2023.

12 “(2) A plan and timeline for the next steps to
13 be taken to complete outstanding directed actions in
14 enclosure 1 of the memorandum titled ‘Com-
15 mandant’s Directed Actions—Accountability and
16 Transparency’ dated November 27, 2023, including
17 identifying the individual the Commandant has se-
18 lected to ensure the successful completion of each di-
19 rected action.

20 “(3) Metrics to determine the effectiveness of
21 each directed action in such enclosure.

22 “(4) Any additional actions the Commandant is
23 taking to mitigate instances of sexual assault and
24 sexual harassment within the Coast Guard.”

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 51 of title 14, United States Code, is amended by add-
3 ing at the end the following:

“5116. Implementation status of directed actions.”.

4 **SEC. 4. INDEPENDENT REVIEW OF COAST GUARD RE-**
5 **FORMS.**

6 (a) GOVERNMENT ACCOUNTABILITY OFFICE RE-
7 PORT.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Comptroller
10 General of the United States shall report to the
11 Committee on Transportation and Infrastructure of
12 the House of Representatives and the Committee on
13 Commerce, Science, and Transportation of the Sen-
14 ate on the efforts of the Coast Guard to mitigate
15 cases of sexual assault and sexual harassment within
16 the service.

17 (2) ELEMENTS.—The report required under
18 paragraph (1) shall—

19 (A) evaluate—

20 (i) the efforts of the Commandant of
21 the Coast Guard to implement the directed
22 actions from enclosure 1 of the memo-
23 randum titled “Commandant’s Directed
24 Actions—Accountability and Trans-
25 parency” dated November 27, 2023;

1 (ii) whether the Commandant of the
2 Coast Guard met the reporting require-
3 ments under section 5112 of title 14,
4 United States Code; and

5 (iii) the effectiveness of the actions of
6 the Coast Guard, including efforts outside
7 of the actions described in the memo-
8 randum titled “Commandant’s Directed
9 Actions—Accountability and Trans-
10 parency” dated November 27, 2023, to
11 mitigate instances of sexual assault and
12 sexual harassment and improve the en-
13 forcement relating to such instances within
14 the Coast Guard, and how the Coast
15 Guard is overcoming challenges in imple-
16 menting such actions;

17 (B) make recommendations to the Com-
18 mandant for improvements to the efforts of the
19 service to mitigate instances of sexual assault
20 and sexual harassment and improve the en-
21 forcement relating to such instances within the
22 Coast Guard; and

23 (C) make recommendations to the Com-
24 mittee on Transportation and Infrastructure of
25 the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transpor-
2 tation of the Senate to mitigate instances of
3 sexual assault and sexual harassment in the
4 Coast Guard and improve the enforcement re-
5 lating to such instances within the Coast
6 Guard, including proposed changes to any legis-
7 lative authorities.

8 (b) REPORT BY THE COMMANDANT.—Not later than
9 90 days after the date on which the Comptroller General
10 completes all actions under subsection (a), the Com-
11 mandant of the Coast Guard shall submit to the Com-
12 mittee on Transportation and Infrastructure of the House
13 of Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report that
15 includes the following:

16 (1) A plan for Coast Guard implementation, in-
17 cluding interim milestones and timeframes, of any
18 recommendation made by the Comptroller General
19 under subsection (a)(2)(B) with which the Com-
20 mandant concurs.

21 (2) With respect to any recommendation made
22 under subsection (a)(2)(B) with which the Com-
23 mandant does not concur, an explanation of the rea-
24 sons why the Commandant does not concur.

1 **SEC. 5. REQUIREMENT TO MAINTAIN CERTAIN RECORDS.**

2 (a) IN GENERAL.—Chapter 9 of title 14, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 955. Requirement to maintain certain records**

6 “(a) IN GENERAL.—The Commandant of the Coast
7 Guard shall maintain all work product related to final ac-
8 tion documenting a disposition decision on an investiga-
9 tion by the Coast Guard Investigative Service or other law
10 enforcement entity investigating a Coast Guard member
11 accused of misconduct for not less than 7 years from date
12 of the disposition decision.

13 “(b) FINAL ACTION MEMO.—Upon a final action
14 documenting a disposition decision described in subsection
15 (a), the convening authority or final decision-making au-
16 thority, as applicable, shall sign a final action memo that
17 includes the following:

18 “(1) A reference section listing the materials re-
19 viewed in making a disposition decision.

20 “(2) The Coast Guard Investigative Service re-
21 port of investigation listed as either a reference or
22 an enclosure.

23 “(3) The prosecution memo, signed by the con-
24 vening authority or the final decision-making author-
25 ity, listed and included as an enclosure.

1 “(4) The completed Coast Guard Investigative
2 Service report of adjudication listed and included as
3 an enclosure.

4 “(5) The disposition decision.

5 “(c) WORK PRODUCT.—In this section, the term
6 ‘work product’ includes—

7 “(1) a prosecution memo;

8 “(2) emails, notes, and other correspondence re-
9 lated to a disposition decision; and

10 “(3) the content described in paragraphs (1)
11 through (5) of subsection (b).”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 9 of title 14, United States Code, is amended by add-
14 ing at the end the following:

 “955. Requirement to maintain certain records.”.

15 **SEC. 6. STUDY ON COAST GUARD ACADEMY OVERSIGHT.**

16 (a) IN GENERAL.—Not later than 30 days after the
17 date of enactment of this Act, the Commandant of the
18 Coast Guard, in consultation with relevant stakeholders,
19 shall conduct a study on the governance of the Coast
20 Guard Academy, including examining the roles, respon-
21 sibilities, authorities, advisory functions, and membership
22 qualifications and expertise of the Board of Visitors and
23 Board of Trustees of such Academy.

24 (b) REPORT.—Not later than 1 year after the date
25 of enactment of this Act, the Commandant shall submit

1 to the Committee on Transportation and Infrastructure
2 of the House of Representatives and the Committee on
3 Commerce, Science, and Transportation of the Senate a
4 written report that contains—

5 (1) the results of the study required under sub-
6 section (a); and

7 (2) recommendations to improve governance at
8 the Coast Guard Academy.

9 **SEC. 7. PROVIDING FOR THE TRANSFER OF A CADET WHO**
10 **IS THE VICTIM OF A SEXUAL ASSAULT OR RE-**
11 **LATED OFFENSE.**

12 Section 1902 of title 14, United States Code, is
13 amended by adding at the end the following:

14 “(f) CONSIDERATION OF REQUEST FOR TRANSFER
15 OF CADET WHO IS THE VICTIM OF SEXUAL ASSAULT OR
16 RELATED OFFENSE.—

17 “(1) IN GENERAL.—The Commandant shall
18 provide for timely consideration of and action on a
19 request submitted by a cadet appointed to the Coast
20 Guard Academy who is the victim of an alleged sex-
21 ual assault or other offense covered by section 920,
22 920e, or 930 of title 10 (article 120, 120e, or 130
23 of the Uniform Code of Military Justice) for transfer
24 to a Service Academy or to enroll in a Senior Re-

1 serve Officers' Training Corps program affiliated
2 with another institution of higher education.

3 “(2) RULEMAKING.—The Commandant shall
4 prescribe regulations to carry out this subsection
5 that—

6 “(A) ensure that any cadet who has been
7 appointed to the Coast Guard Academy is in-
8 formed of the right to request a transfer pursu-
9 ant to this subsection, and that any formal re-
10 quest submitted by a cadet is processed as ex-
11 peditiously as practicable for review and action
12 by the Superintendent;

13 “(B) direct the Superintendent of the
14 Coast Guard Academy, in coordination with the
15 Superintendent of the Service Academy to
16 which the cadet requests to transfer—

17 “(i) to act on a request for transfer
18 under this subsection not later than 72
19 hours after receiving the formal request
20 from the cadet;

21 “(ii) to approve such request for
22 transfer unless there are exceptional cir-
23 cumstances that require denial of the re-
24 quest; and

1 “(iii) upon approval of such request,
2 to take all necessary and appropriate ac-
3 tion to effectuate the transfer of the cadet
4 to the Service Academy concerned as expe-
5 ditiously as possible; and

6 “(C) direct the Superintendent of the
7 Coast Guard Academy, in coordination with the
8 Secretary of the military department that spon-
9 sors the Senior Reserve Officers’ Training
10 Corps program at the institution of higher edu-
11 cation to which the cadet requests to transfer—

12 “(i) to act on a request for transfer
13 under this subsection not later than 72
14 hours after receiving the formal request
15 from the cadet;

16 “(ii) subject to the cadet’s acceptance
17 for admission to the institution of higher
18 education to which the cadet wishes to
19 transfer, to approve such request for trans-
20 fer unless there are exceptional cir-
21 cumstances that require denial of the re-
22 quest; and

23 “(iii) to take all necessary and appro-
24 priate action to effectuate the cadet’s en-
25 rollment in the institution of higher edu-

1 cation to which the cadet wishes to trans-
2 fer and to process the cadet for participa-
3 tion in the relevant Senior Reserve Offi-
4 cers' Training Corps program as expedi-
5 tiously as possible.

6 “(3) DENIAL OF TRANSFER REQUEST.—If the
7 Superintendent of the Coast Guard Academy denies
8 a request for transfer under this subsection, the
9 cadet may request review of the denial by the Sec-
10 retary of the Department in which the Coast Guard
11 is operating, who shall act on such request not later
12 than 72 hours after receipt of the formal request for
13 review.

14 “(4) CONFIDENTIALITY OF RECORDS.—The
15 Secretary of the Department in which the Coast
16 Guard is operating shall ensure that all records of
17 any request, determination, transfer, or other action
18 under this subsection remain confidential, consistent
19 with applicable law and regulation.

20 “(5) APPOINTMENT TO SERVICE ACADEMY.—A
21 cadet who transfers under this subsection may retain
22 the cadet's appointment to the Coast Guard Acad-
23 emy or may be appointed to the Service Academy to
24 which the cadet transfers without regard to the limi-

1 tations and requirements described in sections 7442,
2 8454, and 9442 of title 10.

3 “(6) APPOINTMENT UPON GRADUATION.—

4 “(A) PREFERENCE.—A cadet who trans-
5 fers under this subsection to a Service Acad-
6 emy, is entitled, before graduating from such
7 Academy, to state the preference of the cadet
8 for appointment, upon graduation, as a com-
9 missioned officer in the Coast Guard.

10 “(B) MANNER OF APPOINTMENT.—Upon
11 graduation, a cadet described in subparagraph
12 (A) is entitled to be accepted for appointment
13 as a permanent commissioned officer in the
14 Regular Coast Guard in the same manner as
15 graduates of the Coast Guard Academy as de-
16 scribed in section 2101.

17 “(7) COMMISSION INTO COAST GUARD.—A
18 cadet who transfers under this subsection to a Sen-
19 ior Reserve Officers’ Training Corps program affili-
20 ated with another institution of higher education is
21 entitled upon graduation from the Senior Reserve
22 Officers’ Training program to commission into the
23 Coast Guard as described in section 3738a.

1 “(8) SERVICE ACADEMY DEFINED.—In this
2 subsection, the term ‘Service Academy’ has the
3 meaning given such term in section 347 of title 10.”.

4 **SEC. 8. DESIGNATION OF OFFICERS WITH PARTICULAR EX-**
5 **PERTISE IN MILITARY JUSTICE OR**
6 **HEALTHCARE.**

7 (a) IN GENERAL.—Subchapter I of chapter 21 of title
8 14, United States Code is amended by adding at the end
9 the following:

10 **“§ 2132. Designation of officers with particular exper-**
11 **tise in military justice or healthcare**

12 “(a) SECRETARY DESIGNATION.—The Secretary may
13 designate a limited number of officers of the Coast Guard
14 as having particular expertise in—

15 “(1) military justice; or

16 “(2) healthcare.

17 “(b) PROMOTION AND GRADE.—An individual des-
18 ignated under this section—

19 “(1) shall not be included on the active duty
20 promotion list;

21 “(2) shall be promoted under section 2126; and

22 “(3) may not be promoted to a grade higher
23 than captain.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 21 of such title is amended by inserting after the item
3 relating to section 2131 the following:

“2132. Designation of officers with particular expertise in military justice or
healthcare.”.

4 (c) CONFORMING AMENDMENTS.—

5 (1) Section 2102(a) of title 14, United States
6 Code, is amended, in the second sentence, by strik-
7 ing “and officers of the permanent commissioned
8 teaching staff of the Coast Guard Academy” and in-
9 serting “officers of the permanent commissioned
10 teaching staff of the Coast Guard Academy, and of-
11 ficers designated by the Secretary pursuant to sec-
12 tion 2132”.

13 (2) Subsection (e) of section 2103 of such title
14 is amended to read as follows:

15 “(e) SECRETARY TO PRESCRIBE NUMBERS FOR CER-
16 TAIN OFFICERS.—The Secretary shall prescribe the num-
17 ber of officers authorized to be serving on active duty in
18 each grade of—

19 “(1) the permanent commissioned teaching
20 staff of the Coast Guard Academy;

21 “(2) the officers designated by the Secretary
22 pursuant to section 2132; and

1 “(3) the officers of the Reserve serving in con-
2 nection with organizing, administering, recruiting,
3 instructing, or training the reserve components.”.

4 (3) Section 2126 of such title is amended, in
5 the second sentence, by inserting “and as to officers
6 designated by the Secretary pursuant to section
7 2132” after “reserve components”.

8 (4) Section 3736(a) of such title is amended—

9 (A) in the first sentence, by striking “pro-
10 motion list and the” inserting “promotion list,
11 officers designated by the Secretary pursuant to
12 section 2132, and the officers on the”; and

13 (B) in the second sentence, by striking
14 “promotion list or the” and inserting “pro-
15 motion list, officers designated by the Secretary
16 pursuant to section 2132, or the officers on
17 the”.

18 **SEC. 9. DIRECT HIRE AUTHORITY FOR CERTAIN PER-**

19 **SONNEL OF COAST GUARD.**

20 (a) IN GENERAL.—Subchapter I of chapter 25 of title
21 14, United States Code, is amended by adding at the end
22 the following:

1 **“§ 2517. Direct hire authority for certain personnel of**
2 **Coast Guard**

3 “(a) IN GENERAL.—The Commandant of the Coast
4 Guard may appoint, without regard to the provisions of
5 subchapter I of chapter 33 of title 5 (other than section
6 3303 and 3328 of such chapter), qualified candidates to
7 any non-clinical specialist intended to engage in the inte-
8 grated primary prevention of harmful behaviors, including
9 suicide, sexual assault, harassment, domestic abuse, and
10 child abuse and qualified candidates to any criminal inves-
11 tigative law enforcement position of the Coast Guard
12 Criminal Investigative Service intended to engage in the
13 primary response to such harmful behaviors.

14 “(b) SUNSET.—Effective on September 30, 2034, the
15 authority provided under subsection (a) shall cease.”.

16 (b) CLERICAL AMENDMENT.—The analysis of chap-
17 ter 25 of such title is amended by inserting after the item
18 related to section 2516 the following:

“2517. Direct hire authority for certain personnel of United States Coast
Guard.”.

19 **SEC. 10. SAFE-TO-REPORT POLICY FOR COAST GUARD.**

20 (a) IN GENERAL.—Subchapter I of chapter 19 of title
21 14, United States Code, is amended by adding at the end
22 the following:

1 **“§ 1907. Safe-to-report policy for Coast Guard**

2 “(a) IN GENERAL.—The Secretary of the department
3 in which the Coast Guard is operating shall, in consulta-
4 tion with the Secretaries of the military departments, issue
5 such regulations as are necessary to establish the safe-to-
6 report policy described in subsection (b) that applies with
7 respect to all members of the Coast Guard (including
8 members of the reserve and auxiliary components of the
9 Coast Guard) and cadets at the Coast Guard Academy.

10 “(b) SAFE-TO-REPORT POLICY.—The safe-to-report
11 policy described in this subsection is a policy that pre-
12 scribes the handling of minor collateral misconduct involv-
13 ing a member of the Coast Guard who is the alleged victim
14 or reporting witness of a sexual assault.

15 “(c) MITIGATING AND AGGRAVATING CIR-
16 CUMSTANCES.—In issuing regulations under subsection
17 (a), the Secretary shall specify mitigating circumstances
18 that decrease the gravity of minor collateral misconduct
19 or the impact of such misconduct on good order and dis-
20 cipline and aggravating circumstances that increase the
21 gravity of minor collateral misconduct or the impact of
22 such misconduct on good order and discipline for purposes
23 of the safe-to-report policy.

24 “(d) TRACKING OF COLLATERAL MISCONDUCT INCI-
25 DENTS.—In conjunction with the issuance of regulations
26 under subsection (a), Secretary shall develop and imple-

1 ment a process to anonymously track incidents of minor
2 collateral misconduct that are subject to the safe-to-report
3 policy established under such regulations.

4 “(e) DEFINITION OF MINOR COLLATERAL MIS-
5 CONDUCT.—In this section, the term ‘minor collateral mis-
6 conduct’ means any minor misconduct that is punishable
7 under chapter 47 of title 10 that—

8 “(1) is committed close in time to or during a
9 sexual assault and directly related to the incident
10 that formed the basis of the sexual assault allega-
11 tion;

12 “(2) is discovered as a direct result of the re-
13 port of sexual assault or the ensuing investigation
14 into such sexual assault; and

15 “(3) does not involve aggravating circumstances
16 (as specified in the regulations issued under sub-
17 section (a)) that increase the gravity of the minor
18 misconduct or the impact of such misconduct on
19 good order and discipline.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 19 of title 14, United States Code, is amended by in-
22 serting after the item relating to section 1906 the fol-
23 lowing:

“1907. Safe-to-report policy for Coast Guard.”.

1 **SEC. 11. MODIFICATION OF DELIVERY DATE OF COAST**
2 **GUARD SEXUAL ASSAULT REPORT.**

3 Section 5112(a) of title 14, United States Code, is
4 amended by striking “January 15” and inserting “March
5 1”.

6 **SEC. 12. HIGHER-LEVEL REVIEW OF BOARD OF DETER-**
7 **MINATION DECISIONS.**

8 (a) **IN GENERAL.**—Section 2158 of title 14, United
9 States Code, is amended—

10 (1) in the first sentence by striking “The Sec-
11 retary” and inserting the following:

12 “(a) **IN GENERAL.**—The Secretary”; and

13 (2) by adding at the end the following:

14 “(b) **HIGHER-LEVEL REVIEW OF SEXUAL ASSAULT**
15 **CASES.**—

16 “(1) **IN GENERAL.**—If a board convened under
17 this section determines that the officer should be re-
18 tained when the officer’s record indicates that the
19 officer has committed a sexual assault offense, the
20 board shall forward the record of the proceedings
21 and recommendation of the board for higher-level re-
22 view, in accordance with regulations prescribed by
23 the Secretary.

24 “(2) **AUTHORITY.**—The official exercising high-
25 er-level review shall have authority to forward the

1 case for consideration by a Board of Inquiry in ac-
2 cordance with section 2159.

3 “(c) **SEXUAL ASSAULT OFFENSE.**—In this section,
4 the term ‘sexual assault offense’ means a violation of sec-
5 tion 920 or 920b of title 10, United States Code (article
6 120 or 120b of the Uniform Code of Military Justice) or
7 attempt to commit an offense specified under section 920
8 or 920b as punishable under section 880 of such title (ar-
9 ticle 80 of the Uniform Code of Military Justice).”.

10 **SEC. 13. REVIEW OF DISCHARGE OR DISMISSAL.**

11 (a) **IN GENERAL.**—Subchapter I of chapter 25 of title
12 14, United States Code, is amended by adding at the end
13 the following:

14 **“§ 2517. Review of discharge or dismissal**

15 “(a) **DOWNGRADE.**—

16 “(1) **IN GENERAL.**—In addition to the require-
17 ments of section 1553 of title 10, a board of review
18 for a former member of the Coast Guard established
19 pursuant to such section may, upon a motion of the
20 board and subject to review by the Secretary of the
21 department in which the Coast Guard is operating,
22 downgrade an honorable discharge or dismissal to a
23 general (under honorable conditions) discharge or
24 dismissal upon a finding that a former member of
25 the Coast Guard, while serving on active duty as a

1 member of the armed forces, committed sexual as-
2 sault or sexual harassment in violation of section
3 920, 920b, or 934 of this title (article 120, 120b, or
4 134 of the Uniform Code of Military Justice).

5 “(2) EVIDENCE.—Any downgrade under para-
6 graph (1) shall be supported by clear and convincing
7 evidence.

8 “(3) LIMITATION.—The review board under
9 paragraph (1) may not downgrade a discharge or
10 dismissal of a former member of the Coast Guard if
11 the same action described in paragraph (1) was con-
12 sidered prior to separation from active duty by an
13 administrative board in determining the character-
14 ization of discharge as otherwise provided by law
15 and in accordance with regulations prescribed by the
16 Secretary of the Department in which the Coast
17 Guard is operating.

18 “(b) PROCEDURAL RIGHTS.—

19 “(1) IN GENERAL.—A review by a board estab-
20 lished under section 1553 of title 10 shall be based
21 on the records of the armed forces concerned and
22 such other evidence as may be presented to the
23 board.

1 “(2) EVIDENCE BY WITNESS.—A witness may
2 present evidence to the board in person or by affi-
3 davit.

4 “(3) APPEARANCE BEFORE BOARD.—A person
5 who requests a review under this section may appear
6 before the board in person or by counsel or an ac-
7 credited representative of an organization recognized
8 by the Secretary of Veterans Affairs under chapter
9 59 of title 38.

10 “(4) NOTIFICATION.—A former member of the
11 Coast Guard who is subject to a downgrade in dis-
12 charge characterization review under subsection
13 (b)(3) shall be notified in writing of such pro-
14 ceedings, afforded the right to obtain copies of
15 records and documents relevant to the proceedings,
16 and the right to appear before the board in person
17 or by counsel or an accredited representative of an
18 organization recognized by the Secretary of Veterans
19 Affairs under chapter 59 of title 38.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 25 of title 14, United States Code, is amended by in-
22 serting after the item relating to section 2516 the fol-
23 lowing:

“2517. Review of discharge or dismissal.”.

○