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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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April 25, 2024

The Honorable Admiral Linda Fagan
Commandant
U.S. Coast Guard
2703 Martin Luther King Junior Avenue, SE
Washington, D.C. 20593

Dear Admiral Fagan:

On September 12, 2023, the Permanent Subcommittee on Investigations (the “Subcommittee”) initiated an inquiry into the mishandling of sexual assault and sexual harassment cases at the United States Coast Guard Academy (“CGA” or “Academy”), as well as the United States Coast Guard’s (“Coast Guard”) failure to notify Congress about the conclusion of Operation Fouled Anchor.¹ We write to once again express our dissatisfaction regarding the Coast Guard’s inadequate responses to the Subcommittee’s requests. As such, we request that you appear before the Subcommittee on May 21, 2024, at 2:00 p.m. to testify about the Coast Guard’s handling of Operation Fouled Anchor and its responses to the Subcommittee’s inquiry.

Since the Subcommittee sent its initial request, the Coast Guard has failed to make good on your commitment to be transparent and cooperative with our oversight efforts. Even after we wrote to you again in December 2023 and raised specific concerns about the Coast Guard’s lack of responsiveness, the Coast Guard continues to fail to provide relevant records in a timely manner and without redactions.²

In a March 25, 2024 letter to the Subcommittee, the Coast Guard stated that it had identified over 1.8 million pages of potentially responsive records.³ During a March 28, 2024 call, the Coast Guard informed Subcommittee staff that, of the 800,000 pages it has reviewed so far, only 25,000 to 30,000 pages of records have been identified as responsive.⁴ Of those records, only a fraction have been sent to the Office of General Counsel of the Department of

¹ Letter from Chair Richard Blumenthal and Ranking Member Ron Johnson, Permanent Subcommittee on Investigations, to Admiral Linda Fagan, Commandant of the United States Coast Guard (Sept. 12, 2023), <https://www.hsgac.senate.gov/wp-content/uploads/2023-09-12-Blumenthal-and-Johnson-Letter-to-USCG-re-Operation-Fouled-Anchor.pdf>.

² Letter from Chair Richard Blumenthal and Ranking Member Ron Johnson, Permanent Subcommittee on Investigations, to Admiral Linda Fagan, Commandant of the United States Coast Guard (Dec. 19, 2023), <https://www.hsgac.senate.gov/wp-content/uploads/2023-12-19-Blumenthal-and-Johnson-Letter-to-USCG.pdf>

³ Letter from Commander J.M. Matejka, U.S. Coast Guard, to Chair Richard Blumenthal and Ranking Member Ron Johnson, Permanent Subcommittee on Investigations (Mar. 25, 2024) (on file with Subcommittee).

⁴ Notes on file with Subcommittee.

Homeland Security (DHS OGC) for approval to be produced to the Subcommittee.⁵ These actions suggest that Coast Guard is not acting in good faith in its effort to promptly provide *all* responsive materials to the Subcommittee.

To date, the Coast Guard has only produced approximately 12,200 pages, which includes a significant number of duplicated documents and heavily redacted records. Less than three percent of the records produced consist of emails, a category of documents that the Subcommittee has repeatedly asked the Coast Guard to prioritize.⁶ And in numerous communications, the Subcommittee has called on the Coast Guard to remove redactions from records, hasten its rate of productions, and provide missing email attachments associated with the very limited number of communications that the Coast Guard has produced to date. In the nearly seven months since our inquiry began, it appears the Coast Guard's actions can only be explained by either its indifference or another shameful attempt to cover-up the embarrassing truths of its mishandling of cases involving sexual assault and sexual harassment.

Simply put, the Coast Guard's lack of responsiveness stands in stark contrast to your previous commitments to be fully transparent with Congress and the American people.⁷

We expect the Coast Guard to provide all responsive records, without redactions, no later than May 15, 2024. Should the Coast Guard continue to impede the Subcommittee's inquiry by withholding records or including inappropriate redactions that hinder our legitimate congressional oversight, the Subcommittee will have no choice but to use compulsory process to ensure compliance. Please also confirm your appearance at the May 21, 2024 hearing by no later than May 3, 2024.

Thank you for your attention to this matter.

Sincerely,



Richard Blumenthal
Chairman



Ron Johnson
Ranking Member

cc: The Honorable Alejandro Mayorkas
Secretary of Homeland Security

⁵ The Subcommittee requested confirmation of the exact number of documents that are under review by DHS OGC, but has not received that confirmation to date. Notes on file with Subcommittee.

⁶ Meeting between the United States Coast Guard and the Subcommittee on February 15, 2024; Meeting between the United States Coast Guard and the Subcommittee on March 12, 2024; Meeting between the United States Coast Guard and the Subcommittee on March 28, 2024.

⁷ Senate Subcommittee on Oceans, Fisheries, Climate Change and Manufacturing, *Hearing on Coast Guard Budget Oversight*, 117th Cong. (Jul. 13, 2023) (S. Hrg. 118).

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The Honorable Jonathan Meyer
General Counsel
Department of Homeland Security

The Honorable Joseph Cuffari
Inspector General
Department of Homeland Security