

118TH CONGRESS
2D SESSION

S. _____

To establish a safe-to-report policy within the Coast Guard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Mr. JOHNSON, Mr. MURPHY, Mrs. BLACKBURN, Ms. BALDWIN, and Mrs. BRITT) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish a safe-to-report policy 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.**

4 This Act may be cited as the “Coast Guard Academy
5 Safe-to-Report Act”.

6 **SEC. 2. COAST GUARD SAFE-TO-REPORT POLICY.**

7 (a) IN GENERAL.—The Commandant of the Coast
8 Guard shall prescribe regulations to establish a safe-to-
9 report policy that—

1 (1) applies to—

2 (A) all members of the Coast Guard (in-
3 cluding members of the reserve component of
4 the Coast Guard); and

5 (B) cadets at the United States Coast
6 Guard Academy; and

7 (2) is consistent with the safe-to-report policy
8 prescribed by the Secretary of Defense under section
9 539A of the William M. (Mac) Thornberry National
10 Defense Authorization Act for Fiscal Year 2021
11 (Public Law 116–283; 10 U.S.C. 1561 note).

12 (b) SAFE-TO-REPORT POLICY.—The safe-to-report
13 policy established in accordance with the regulations pre-
14 scribed under subsection (a) shall set forth a procedure
15 for the handling of minor collateral misconduct involving
16 any individual described in paragraph (1) or (2) of that
17 subsection who is the alleged victim of sexual assault or
18 sexual harassment.

19 (c) AGGRAVATING CIRCUMSTANCES.—The regula-
20 tions under subsection (a) shall specify aggravating cir-
21 cumstances that increase the gravity of minor collateral
22 misconduct or the impact of such misconduct on good
23 order and discipline.

24 (d) TRACKING OF COLLATERAL MISCONDUCT INCI-
25 DENTS.—In conjunction with the issuance of regulations

1 under subsection (a), the Commandant shall develop and
2 implement a process to track incidents of minor collateral
3 misconduct that are subject to the safe-to-report policy.

4 (e) DEFINITION OF MINOR COLLATERAL MIS-
5 CONDUCT.—In this section, the term “minor collateral
6 misconduct” means any minor misconduct that is poten-
7 tially punishable under chapter 47 of title 10, United
8 States Code (the Uniform Code of Military Justice),
9 that—

10 (1) is committed close in time to or during a
11 sexual assault or instance of sexual harassment, and
12 directly related to the incident that formed the basis
13 of the allegation of sexual assault or sexual harass-
14 ment;

15 (2) is discovered as a direct result of—

16 (A) the report of sexual assault or sexual
17 harassment; or

18 (B) an investigation into a sexual assault
19 or an instance of sexual harassment; and

20 (3) does not involve aggravating circumstances
21 (as specified in the regulations prescribed under sub-
22 section (c)) that increase the gravity of the minor
23 misconduct or the impact of such misconduct on
24 good order and discipline.