



COAST GUARD

Documented Guidance for Notifying Congress of Investigations Needed

Report to Congressional Requesters

April 2025

GAO-25-107481

United States Government Accountability Office

Accessible Version

GAO Highlights

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Highlights of [GAO-25-107481](#), a report to congressional requesters

April 2025

COAST GUARD

Documented Guidance for Notifying Congress of Investigations Needed

Why GAO Did This Study

The U.S. Congress reviews, monitors, and oversees the executive branch's implementation of public policy and federal agencies' operations. In a series of investigations called "Operation Fouled Anchor," the Coast Guard Investigative Service examined more than 100 separate allegations of sexual assault that occurred between 1990 and 2006 at the Coast Guard Academy. Coast Guard leadership did not notify Congress of Operation Fouled Anchor until media reporting was imminent on the investigation in June 2023.

GAO was asked to review issues related to the Coast Guard's notification of investigations to Congress. This report examines (1) when the Coast Guard has notified Congress of investigations and (2) the extent to which the Coast Guard has policies to decide whether to proactively notify Congress of investigations and other related information.

GAO reviewed and analyzed Coast Guard reports submitted to Congress from 2019 through 2024 and policies for communicating investigative and related information to Congress. GAO interviewed Coast Guard and DHS officials.

What GAO Recommends

GAO recommends that the Coast Guard document guidance for determining the investigations and related information that warrant congressional notification absent a statutory requirement or congressional request. DHS concurred with the recommendation and stated that the Coast Guard will update its guidance.

What GAO Found

The Coast Guard, within the Department of Homeland Security (DHS), has notified Congress in instances when statutorily required or requested to do so and, absent such a requirement or request, has also sometimes voluntarily and proactively notified Congress of investigations and related information. More specifically, the Coast Guard has notified Congress about certain aspects of administrative, criminal, and regulatory investigations in instances where notification is, and is not, required by statute. For example, the Coast Guard is required by statute to provide an annual report to Congress on the number of allegations of sexual assault and harassment involving members of the Coast Guard made during the year. Although not statutorily required, the Coast Guard has also notified Congress on information pertaining to investigations, such as outcomes of investigations that led to senior officers being relieved of their commands.

However, there is no DHS-wide policy regarding notifying Congress of investigations, and the Coast Guard's policy provides limited guidance and is spread across several documents addressing external communication.

For example:

- Coast Guard senior leaders are to consult with core congressional oversight committees on controversial, emergent, and complex national issues. For these issues the service is to enter into consultation to identify and address congressional interests. However, there is no agency guidance defining "controversial, emergent, and complex national issues."

- The Coast Guard may develop action plans to communicate internally and externally about high-profile, critical, or controversial issues, including the pending release of high-profile investigations (e.g., internal Coast Guard investigations). However, there is no agency guidance for the disclosure of such investigations.

Coast Guard officials indicated that they used judgment in applying the relevant policies. DHS officials told us that proactive congressional notification—those made absent a statutory requirement or congressional request—must be made on a case-by-case basis after considering numerous factors, including the level of congressional interest and the potential effects of notification on any ongoing investigations.

Coast Guard officials stated that while Coast Guard and DHS policies generally do not document factors to consider when determining which investigations and related information should lead to proactive congressional notifications, they do consider certain factors (e.g., the oversight value of the information and constituent impact) and could document them. Documenting its guidance for determining the investigations and other related information that warrant proactive congressional notification could better ensure the Coast Guard communicates with Congress when appropriate and provides Congress consistent opportunities for oversight.

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Abbreviations

Abbreviation	Word or Phrase
DHS	Department of Homeland Security

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441 G St. N.W.
Washington, DC 20548

April 17, 2025

The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate

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

The Honorable Salud Carbajal
Ranking Member
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
House of Representatives

The Honorable Hilary J. Scholten
House of Representatives

In 2020, the Coast Guard, a maritime military service within the Department of Homeland Security (DHS), concluded a series of investigations called "Operation Fouled Anchor," in which the Coast Guard Investigative Service examined more than 100 separate allegations of sexual assault that occurred between 1990 and 2006 at the Coast Guard Academy.¹ The final report concluded that the Academy often mishandled these cases and failed to take sufficient action to ensure a safe environment and instill a culture intolerant of any form of sexual misconduct. Coast Guard leadership did not notify Congress of Operation Fouled Anchor until media reporting was imminent in June 2023.

Congressional oversight includes activities that range from formal congressional committee hearings to communication between members of Congress and executive branch officials.² The Comptroller General of the United States has reported that diligent congressional oversight can greatly enhance program operations.³ You asked us to review issues related to the Coast Guard's notification of investigations to Congress. This report examines (1) when the Coast Guard has notified Congress of investigations, and (2) the extent to which the

¹Coast Guard, "Fouled Anchor" Investigation – Final Report, Memo of 31 Jan 2020. See also, Coast Guard, Accountability and Transparency Review Team Report, (Washington, D.C.: Nov. 2023). The DHS Office of Inspector has an ongoing investigation regarding the Coast Guard's handling of Operation Fouled Anchor.

²Congressional oversight entails reviewing, monitoring, and overseeing the executive branch's implementation of public policy and federal agencies' operations.

³GAO, *High-Risk Series: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas*, Statement of Gene L. Dodaro, Comptroller General of the United States, [GAO-21-383T](#) (Washington, D.C.: March 2, 2021).

Coast Guard has policies to decide whether to proactively notify Congress of investigations and other related information (i.e., providing information absent a statutory requirement or congressional request).

To determine when the Coast Guard has notified Congress of investigations, we obtained and analyzed Coast Guard documents providing Congress with investigative information. The scope of our first question includes information on investigations and other related information Coast Guard notified Congress of between 2019 and 2024. We reviewed statutorily mandated reports including *Sexual Assault in the U.S. Coast Guard* for fiscal years 2019 to 2022, *Coast Guard Academy Sexual Harassment and Sexual Violence for Academic Program Year 2019-2020*, and *Military Justice in the Coast Guard* for fiscal years 2019 to 2023.⁴ We also reviewed congressional committee reports regarding efforts to obtain investigative information from the Coast Guard.

To further understand the types of investigations or related information the Coast Guard provided to Congress, we interviewed officials from the DHS Office of Legislative Affairs and the Coast Guard, including its Office of Congressional Affairs, Criminal Investigative Service, Office of Military Justice, and Office of General Law. We also obtained and analyzed press releases, public affairs guidance, and investigative reports to corroborate officials' testimonial evidence.

To examine the extent to which the Coast Guard has policies to decide whether to proactively notify Congress of investigations and other related information, we obtained and analyzed Coast Guard policies and procedures pertaining to the notification of investigations and other related information to Congress. We focused on the extent to which these policies and procedures clearly established standardized methods and practices to decide whether to proactively notify Congress of investigations and other information that are not otherwise required by law or requested by Congress. For example, we reviewed the Coast Guard policies including its External Affairs Tactics, Techniques, and Procedures; Major Incident Investigations Manual; Administrative Investigations Manual; Coast Guard Investigations Manual, and Investigative Service Roles and Responsibilities.⁵ Additionally, we reviewed the *Commandant's Executive Decision Making Process* and regulations for casualties and vessel accidents.⁶ We discussed the policies on proactive notification of investigations and other related information with the DHS and Coast Guard officials described above. We compared the results of our analysis with the Coast Guard's *Management's Responsibility for Internal Controls and Reporting Requirements and External Affairs Manual*, as well as *Standards for Internal Control in the Federal Government*.⁷

⁴See, for example, U. S. Coast Guard, *Sexual Assault in the U.S. Coast Guard (FY2022) Report to Congress* (January 3, 2024), U.S. Coast Guard, *Coast Guard Academy Sexual Harassment and Sexual Violence For Academic Program Year 2019-2020 Report to Congress* (March 9, 2023), and U.S. Coast Guard, *Military Justice in the Coast Guard Report to Congress (FY 2023)* (December 27, 2023).

⁵See U.S. Coast Guard, *External Affairs Tactics, Techniques, and Procedures (TTP) (CGTTP 1-04.1)* (Washington, D.C.: July 2013); U.S. Coast Guard, *Major Incident Investigations Manual* (COMDTINST M5830.4) (Washington, D.C.: July 2015); U.S. Coast Guard, *Administrative Investigations Manual* (COMDTINST M5830.1A) (Washington, D.C.: September 2007); U.S. Coast Guard, *Coast Guard Investigations Manual* (COMDTINST M5527. 1B) (Washington, D.C.: July 2001); U.S. Coast Guard, *Coast Guard Investigative Service Roles and Responsibilities* (COMDTINST 5520.5G) (Washington, D.C.: January 2023).

⁶See U.S. Coast Guard, *Commandant's Executive Decision Making Process* (COMDTINST 5420.40C) (Washington, D.C.: August 2021); 46 C.F.R. § 4.07-1.

⁷See U.S. Coast Guard, *Management's Responsibility for Internal Controls and Reporting Requirements* (COMDTINST 5200.10A) (Washington, D.C.: November 2022); U.S. Coast Guard, *External Affairs Manual* (COMDTINST M5700.13A) (Washington, D.C.: May 2021); GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

We conducted this performance audit from April 2024 to April 2025 in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Coast Guard Has Notified Congress of Certain Aspects of Administrative, Criminal, and Regulatory Investigations

The Coast Guard has notified Congress of aspects of administrative, criminal, and regulatory investigations when statutorily required or requested to do so and, absent such a requirement or request, has also sometimes voluntarily and proactively notified Congress of investigations and related information.⁸

Administrative investigations. The Coast Guard notified Congress of the outcomes of certain administrative investigations, according to Coast Guard officials. According to the Coast Guard, administrative investigations are standardized procedures for collecting and assembling evidence, and finding facts to determine the causes of, and appropriate responses to, specific incidents. For example, administrative investigations may involve fact-finding efforts regarding individual Coast Guard personnel conduct. Coast Guard policy states that such investigations are necessary or desirable in administering the Coast Guard but are not specifically authorized or required by law or other regulations.⁹ Coast Guard officials told us they notify Congress of the outcomes of administrative investigations resulting in relieving senior officials of their commands prior to notifying the public, although not statutorily required.

Criminal investigations. The Coast Guard reported on certain criminal investigations, such as those arising from allegations of sexual assault and harassment.¹⁰ According to the Coast Guard, criminal investigations involve inquiries into specific allegations of criminal activity or conduct. Such allegations may pertain to suspected violations of the Uniform Code of Military Justice or federal law and may include deaths, sexual crimes, fraud, environmental crimes, or narcotics smuggling.¹¹ The Coast Guard is required to report on sexual assaults and incidents of sexual harassment involving members of the service to Congress annually.¹² While

⁸We could not determine the full universe of administrative, criminal, and regulatory investigations because the Coast Guard may not have reported them to Congress, as we discuss later in this report.

⁹Coast Guard, *Administrative Investigations Manual*, COMDTINST M5830.1A, September 2007 revision. Military commanders and civilian directors of Coast Guard units and headquarters directorates may conduct administrative investigations.

¹⁰See 14 U.S.C. § 5112.

¹¹See, *Coast Guard Investigations Manual*, COMDTINST M5527.1B. The Coast Guard Investigative Service is the law enforcement agency within the Coast Guard that conducts criminal investigations involving civilian and military personnel. The Uniform Code of Military Justice, first enacted in 1950, provides the framework of the military justice system, establishes the complete code of military criminal law, and provides the legal framework for conducting investigations and prosecutions of allegations of misconduct by service members.

¹²See 14 U.S.C. § 5112. With respect to Operation Fouled Anchor, Congress directed the DHS Inspector General to review the timeline of all approval correspondence regarding the Operation Fouled Anchor report. Among other directives, the report is to provide a detailed accounting of if, when, and why the decision was made to withhold information regarding the investigation from Congress, the Coast Guard personnel involved in any such decision, and their respective roles in any such decision. As of February 2025, the DHS Office of Inspector General review was ongoing.

the report is not specific to criminal investigations, it must include information incidental to an investigation, such as a synopsis of the case and disciplinary action taken in a substantiated case.

Regulatory investigations. The Coast Guard has notified Congress when it conducted investigations, pursuant to its regulatory authorities, into marine casualties and accidents.¹³ More specifically, the service conducts external investigations into certain vessel accidents involving loss of life, injuries, and collisions.¹⁴ Investigators aim to identify the cause of the accident and determine if recommendations could prevent future accidents.¹⁵ For example, the Coast Guard notified Congress of its ongoing investigation of the implosion of the Titan, a submersible that sank near the wreckage of the Titanic in June 2023, in testimony before Congress in September 2023.¹⁶

Coast Guard officials told us they may notify Congress about other types of investigations or related information. For example, the service may proactively notify Congress of relieving an officer from command, but not about whether the service conducted an investigation before deciding to relieve the officer. Senior officials from DHS and Coast Guard said that proactive notifications are discretionary. The Coast Guard may also respond to inquiries from Congress requesting information pertaining to investigations. Figure 1 displays the types of investigative and other related information that the Coast Guard reported having notified to Congress from 2019 through 2024, in response to a statutory requirement or congressional request or, absent those, proactively.

¹³See 46 C.F.R. § 4.07-1(a) (requiring the Commandant to investigate marine casualties and accidents); see also 46 C.F.R. §§ 4.03-1, 4.03-2 (defining “marine casualty or accident” and “serious marine incident,” which is a specific kind of marine casualty or accident, respectively).

¹⁴See 46 C.F.R. § 4.03-1(b)(1), (2)(v), subpart 4.07-1. The Coast Guard investigates certain vessel accidents that occur in U.S. waters, involve U.S. flagged vessels, or involve foreign vessels operating in U.S. waters that cause significant environmental harm or material damage affecting the foreign vessel’s seaworthiness or efficiency. See 46 C.F.R. § 4.03-1(a).

¹⁵See 46 C.F.R. § 4.07-1(c)(1)-(2).

¹⁶*Use and Regulation of Autonomous and Experimental Maritime Technologies, Hearing Before the H. Subcomm. on Coast Guard and Mar. Transp. of the H. Comm. on Transpo. and Infrastructure, 118th Cong. (2023).*

Figure 1: Types of Investigations and Related Information Pertaining to Investigations the Coast Guard Reported Notifying Congress about from 2019 through 2024

Type of information pertaining to investigations	Required by statute to be reported?	Related to criminal, administrative, or regulatory investigations?	Method of delivery	Frequency	Example of information included
Internal					
Sexual assault in the U.S. Coast Guard	Yes	Criminal for assault; Administrative or criminal for harassment	Reports ^a 	Annual 	The Coast Guard reports on the number of allegations of sexual assault and harassment made during the year, as well as other related information such as the number of substantiated cases and disciplinary action taken, if any.
Military justice in the Coast Guard	Yes	Criminal	Reports ^b 	Annual 	The Coast Guard reports case statistics to include the number and status of pending cases.
Senior officials relieved of duty	No	Criminal or administrative depending on reason for relief from command	Briefing 	Ad hoc 	The Coast Guard said that they briefed members of Congress before announcing the relief of the Commander of Station New York in 2024 due to a loss of confidence in their ability to fulfill the expectations of their position.
Internal or external					
Investigative information requested by Congress	No	Criminal or administrative	Briefing/email 	Ad hoc 	Throughout 2019, the Coast Guard provided a committee with briefings and requested documents regarding allegations and investigations of harassment at the Coast Guard academy. ^c
External					
Vessel accidents and casualties	No	Regulatory	Briefing/email 	Ad hoc 	In September 2023, the Coast Guard briefed Congress on its decision to convene a Marine Board of Investigation as a result of the sinking of the <i>Titan</i> submersible in June 2023.

Source: GAO analysis of Coast Guard documents and interviews with Coast Guard officials; icons-studio/adobe.stock.com. | GAO-25-107481

^aSee 14 U.S.C. § 5112.

^bSexual assault and sexual harassment fall under the Uniform Code of Military Justice. Therefore, both would be included in the statutorily required military justice report, in addition to being part of the statutorily required report on sexual assault and sexual harassment.

^cWith respect to the investigative information requested by Congress, these allegations are distinct from those covered by “Operation Fouled Anchor, in which the Coast Guard Investigative Service examined more than 100 separate allegations of sexual assault that occurred between 1990 and 2006 at the Coast Guard Academy.

Coast Guard Policies on Proactively Notifying Congress of Investigations and Other Related Information Provide Limited Guidance

Coast Guard policies outline leadership roles and responsibilities for communication with Congress. However, these policies are spread across multiple offices and documents, and provide limited, if any, agency guidance

to determine whether to proactively notify Congress of investigations or related information. Accordingly, the Coast Guard does not have a documented set of factors for its leadership to consider when exercising discretion to provide proactive congressional notifications.

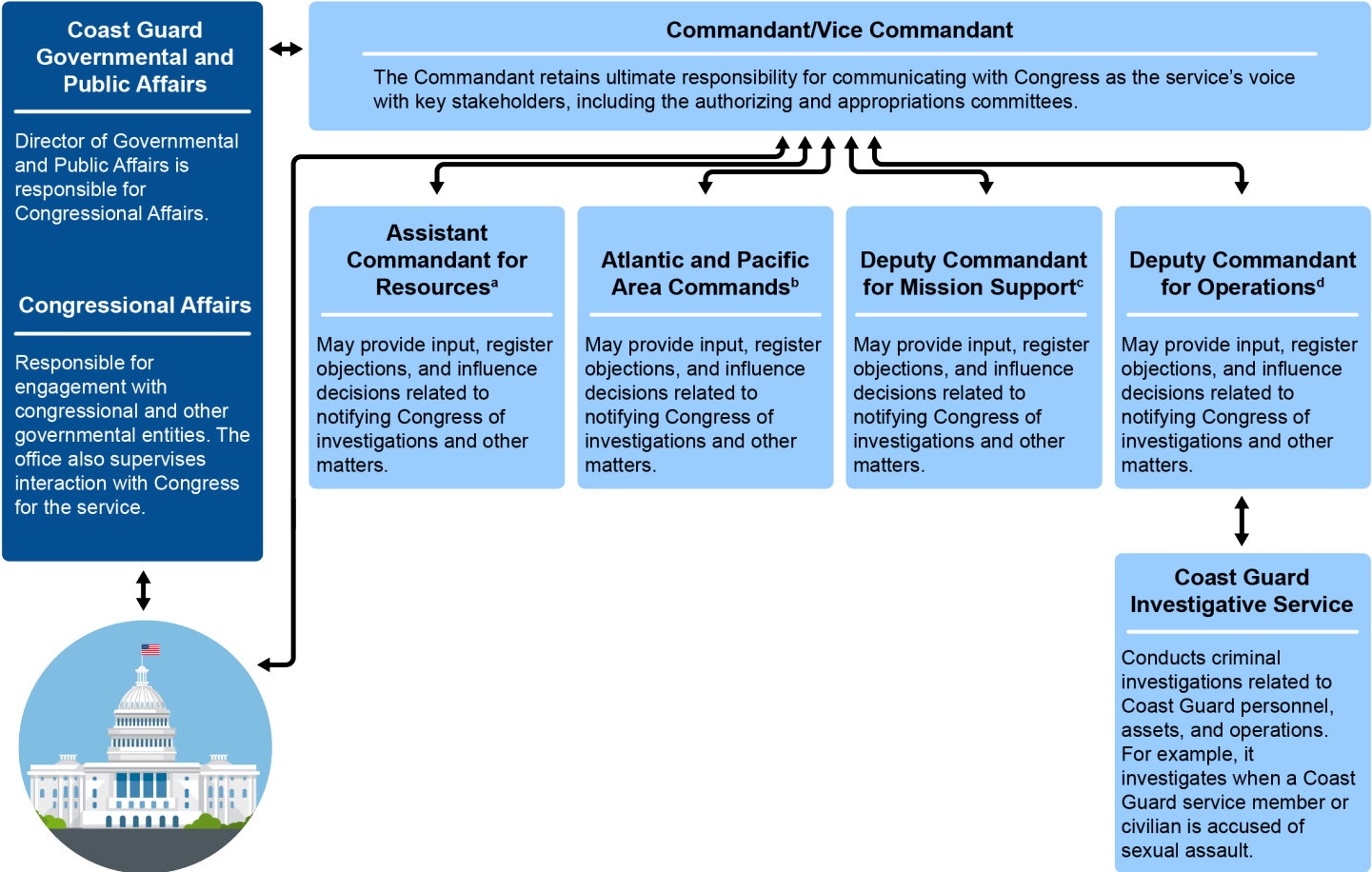
Coast Guard Policies Describe Roles and Responsibilities for Congressional Communications

According to the Coast Guard External Affairs Manual, the Office of Congressional Affairs is primarily responsible for managing and directing all legislative functions between Congress and the service.¹⁷ Further, the *Commandant's Executive Decision Making Process* instruction states that the Commandant is responsible for external relations, which includes governmental and public affairs, although subordinate leaders and offices can share the responsibility.¹⁸ Figure 2 describes these key Coast Guard leadership roles and responsibilities, including areas where certain leaders and offices may provide input and influence decisions related to congressional notifications. These policies apply to general communications and are not specific to proactively notifying Congress of investigations or related information.

¹⁷See U.S. Coast Guard, *External Affairs Manual* (COMDTINST M5700.13A) (Washington, D.C.: May 2021).

¹⁸See U.S. Coast Guard, *Commandant's Executive Decision Making Process* (COMDTINST 5420.40C) (Washington, D.C.: August 2021).

Figure 2: Key Coast Guard Leadership Roles and Responsibilities for Notifying Congress of Information based on Policy



Source: GAO analysis of Coast Guard documents and interviews with Coast Guard officials; KA13/stock.adobe.com. | GAO-25-107481

^aThe Assistant Commandant for Resources serves as the Coast Guard's single point of authority, accountability and management for Coast Guard financial policy, procedures, processes and requirements for systems.

^bThe Coast Guard's area commands are responsible for Coast Guard operations. The Atlantic Area command oversees all of the Coast Guard's operations east of the Colorado Rockies to the Arabian Gulf, from Canada to the Caribbean. The Pacific Area command oversees all of the Coast Guard's operations from Montana to Madagascar and from the North to the South Poles.

^cThe Deputy Commandant for Mission Support is responsible for managing mission support policy, strategy, planning, and resourcing to meet mission needs for human resources, engineering and logistics, information systems, and acquisitions.

^dThe Deputy Commandant for Operations is responsible for the strategic management of the Coast Guard's mission programs.

Coast Guard Policies Provide Limited Guidance for Determining Investigations Warranting Proactive Congressional Notification

The Coast Guard has policies spread across several documents that provide some information on external communication, but they provide limited guidance on which types of investigations or related information should lead to proactive congressional notifications. Table 1 shows selected policies detailing instances when

the Coast Guard could exercise discretion in notifying external entities of information, which could include information on investigations.

Table 1: Selected Coast Guard Communication Policies on External Notification of Information

Policy	Description
Communication Action Plans (<i>External Affairs Tactics, Techniques, and Procedures</i> 1-04.1)	The Coast Guard may develop action plans to communicate internally and externally about high-profile, critical, or controversial issues, including the pending release of high-profile investigations and audits (e.g., GAO, Inspector General, and internal Coast Guard investigations). Coast Guard Congressional Affairs develops and executes all congressional engagement elements of a communication action plan and determines which topics the Coast Guard is to brief to certain congressional staff, members, or committees.
Consulting and Cooperating through Oversight (<i>External Affairs Tactics, Techniques, and Procedures</i> 1-04.1)	Coast Guard senior leaders are to consult in good faith with core congressional oversight committees on controversial, emergent, and complex national issues. For these issues, where shared understanding is critical, the service must enter into good faith consultation to identify and address congressional interests.
Response-to-Query (<i>External Affairs Manual</i>)	The proactive release of information about ongoing law enforcement activities or operations is not authorized except in those cases where specific operational objectives are achieved through the proactive release of information. Designated Coast Guard spokespersons may be authorized to confirm the conduct of an operation in response-to-query but will defer providing any releasable information until the operation has been concluded. The general default media posture, throughout the service, for military justice cases involving charges of sexual assault should be active, rather than respond-to-query or passive when information is a matter of public record.
Major incident notifications <i>Major Incident Investigations Manual</i> (COMDTINST M5830.4) ^a	Major incident investigation reports may be released to the public, media, Congress, and other government agencies, subject to legal limitations on release of information. Before public release of information related to certain investigative activities, congressional briefings shall be conducted, as appropriate. The Office of Governmental and Public Affairs is to coordinate the congressional briefings.
<i>Coast Guard Investigative Service Roles and Responsibilities</i> (COMDTINST 5520.5G)	The Coast Guard Investigative Service Director shall regularly brief the Deputy Commandant for Operations on any investigation likely to be the subject of congressional inquiries or investigations.

Source: GAO analysis of Coast Guard manuals and guidance. | GAO-25-107481

^aMajor incidents can include those that result in death or serious personal injury, or involve a cutter, boat, or aircraft during an operation to conduct one of the Coast Guard's missions, according to the Major Incident Investigations Manual.

While the Coast Guard has various communications policies for notifying Congress of investigations or related information, its policies provide limited guidance to determine whether to proactively notify Congress of investigations or related information. As such, the Coast Guard lacks guidance for exercising its discretion. For example:

- The *External Affairs Tactics, Techniques, and Procedures* policy does not provide guidance for the disclosure of high-profile investigations. Further, its governmental affairs section—which aims to provide usable tactics, techniques, and procedures for personnel—does not outline any guidance on sharing types of information or related information with Congress besides stipulating that the Coast Guard protect attorney-client privilege and notify select members of incidents where significant media reaction is anticipated. For example, there is no guidance for Coast Guard officials to identify and address the issues that merit consultation with Congress. In addition, this document does not describe how to use the response-to-query policy.

- The *External Affairs Tactics, Techniques, and Procedures* states that Coast Guard senior leaders are to consult with core congressional oversight committees on controversial, emergent, and complex national issues to enter into consultation to identify and address congressional interests. However, there is no guidance defining “controversial, emergent, and complex national issues.”
- The *External Affairs Manual* states that in response to a query there are instances when designated Coast Guard spokespersons may be authorized to confirm if the service conducted an operation. However, it does not clarify or identify the characteristics of these instances, such as key details about a specific operation.
- The *Major Incident Investigations Manual* does not provide guidance on which types of incidents should lead to congressional notifications. For example, for major incident notifications, the manual notes that congressional briefings “shall be conducted, as appropriate.” The policy does not, however, describe when such briefings would be appropriate or otherwise provide direction to assess appropriateness.
- The *Coast Guard Investigative Service Roles and Responsibilities* instruction states that the Coast Guard Investigative Service Director shall regularly brief the Deputy Commandant for Operations on any investigation likely to be the subject of congressional inquiries or investigations. However, the instruction does not describe how the director might determine which investigations are subject to congressional inquiry or investigation, such as the factors to consider when making such decisions.

Beyond the Coast Guard, according to DHS Office of Legislative Affairs officials, there is no documented department-wide policy on proactively notifying Congress of investigations or related information. Officials stated that such decisions would typically be made in consultation with the Office of General Counsel, which gives advice based on established legal precedent. Further, they stated that it is generally incumbent on the Coast Guard to notify DHS of internal Coast Guard investigations and related information it believes could be the subject of congressional interest. DHS and Coast Guard officials stated that the degree and nature of their coordination varies widely based on factors. They said the factors include applicable statutory requirements, whether congressional engagement has been adversarial in nature, and past practice with respect to the subject matter at issue.

Coast Guard officials stated that while Coast Guard and DHS policy generally does not document factors to consider when determining which investigations should lead to proactive congressional notifications, they do consider certain factors and could document them. For example, officials said that they could document factors such as privacy and whether the information puts law enforcement operations at risk when deciding whether to share information with Congress. They also told us that they consider the oversight value of the information and constituent impact when weighing proactive congressional notifications.

According to the Coast Guard *External Affairs Manual*, the need for transparency is the foundation of “maximum disclosure, minimum delay.” This manual also states that the external affairs mission is most effectively executed when standardized methods and practices are clearly established and followed. Every external affairs practitioner must adhere to standardized methods and best practices across the program as the foundation of an optimized program, according to the manual.¹⁹ Further, according to the Coast Guard’s Management’s Responsibility for Internal Controls and Reporting Requirements, DHS holds management responsible for developing and maintaining internal control activities that comply with federal internal control

¹⁹U.S. Coast Guard, *External Affairs Manual* (COMDTINST M5700.13A) (Washington, D.C.: May 2021).

standards.²⁰ These standards include that an agency is to communicate significant matters relating to risks to its oversight body. In addition, a key phase of the Coast Guard internal control assessment cycle is documentation. In the context of external affairs, this can include documenting guidance for making decisions. Federal internal control standards also state that the oversight body should provide input to management's plans for remediation of deficiencies in the internal control system and oversee the prompt remediation of deficiencies, as appropriate.²¹

Coast Guard officials stated that they use their judgment based on relationships established with congressional committees—not documented guidance in policies—to determine which investigations and related information warrant proactive congressional notification. DHS officials told us that proactive congressional notification must be made on a case-by-case basis after considering numerous factors, including the level of congressional interest and the potential effects of notification on any ongoing investigations.

Standardized methods and practices as well as the application of internal control standards could help the Coast Guard make proactive congressional notification decisions. In this instance, standardized methods and practices include documenting guidance articulating what to consider when identifying the investigations and related information that warrant proactive congressional notification is a necessary component of standardizing methods and practices. Documenting its guidance for determining the investigations and other related information that warrant proactive congressional notification absent a statutory requirement or congressional request could better ensure the Coast Guard communicates with Congress when appropriate and provides Congress with a more consistent opportunity for oversight.

Conclusions

The Coast Guard has notified Congress about certain aspects of a range of investigations and acknowledged that the service must consult with Congress to identify and address congressional interests. However, the service did not notify Congress of Operation Fouled Anchor, potentially impairing congressional oversight in countering sexual assault and harassment at the Coast Guard. Coast Guard officials stated that they must use judgment when deciding which investigations to proactively notify Congress about. However, Coast Guard guidance is limited and not documented with regard to the types of investigations or related information that may warrant proactive congressional notifications absent a statutory requirement or congressional request. According to Coast Guard policy, the Commandant is ultimately responsible for communicating with Congress. Documenting such guidance could better position the Commandant to consistently identify those investigations that warrant congressional attention.

Recommendation for Executive Action

We are making the following recommendation to Coast Guard:

²⁰U.S. Coast Guard, *Management's Responsibility for Internal Controls and Reporting Requirements* (COMDTINST 5200.10A) (Washington, D.C.: November 2022).

²¹[GAO-14-704G](#).

The Commandant of the Coast Guard should document guidance for determining the investigations and other related information that warrant congressional notification absent a statutory requirement or congressional request. (Recommendation 1)

Agency Comments

We provided a draft of this report to the Department of Homeland Security for review and comment. DHS provided written comments that are reprinted in appendix I. DHS also provided technical comments, which we incorporated as appropriate. DHS concurred with our recommendation and stated that the Coast Guard's Director of Governmental and Public Affairs will update the external affairs manual to document guidance for determining which investigations and other related information warrant congressional notification absent a statutory requirement of congressional request.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Homeland Security, the Acting Commandant of the Coast Guard, and other interested parties. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at Macloed@gao.gov. Contact points for our Office of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributors to this report are listed in appendix II.

Sincerely,

//SIGNED//

Heather Macleod
Director, Homeland Security and Justice

Appendix I: Agency Comments

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

BY ELECTRONIC SUBMISSION

March 28, 2025

Heather MacLeod
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548-0001

Re: Management Response to Draft Report GAO-25-107481, "COAST GUARD:
Documentation of Guidance for Notifying Congress of Investigations Needed"

Dear Ms. MacLeod,

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS, or the Department) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

DHS leadership is pleased to note GAO's positive recognition that the Coast Guard proactively notified Congress of investigations and related information, including those involving certain aspects of administrative, criminal, and regulatory investigations in instances where notification is, and is not, required by statute. The Coast Guard remains committed to strengthening processes and procedures for ensuring effective communication with Congress.

The draft report contained one recommendation with which the Department concurs. Enclosed find our detailed response to the recommendation. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for GAO's consideration, as appropriate.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

JIM H
CRUMPACKER

Digitally signed by JIM H
CRUMPACKER
Date: 2025.03.28 13:29:12 -04'00'

JIM H. CRUMPACKER
Director
Departmental GAO-OIG Liaison Office

Enclosure

**Enclosure: Management Response to Recommendation
Contained in GAO-25-107481**

GAO recommended the Acting Commandant of the U.S. Coast Guard:

Recommendation 1: Document guidance for determining the investigations and other related information that warrant congressional notification absent a statutory requirement of congressional request.

Response: Concur. Coast Guard's Director of Governmental and Public Affairs (CG-092) will update COMDTINST M5700.13¹, to document guidance for determining which investigations and other related information warrant congressional notification absent a statutory requirement of congressional request. Estimated Completion Date: January 30, 2026.

¹ COMDTINST M5700.13, "Coast Guard External Affairs Manual," dated May 12, 2021.

Accessible Text for Appendix I: Agency Comments

BY ELECTRONIC SUBMISSION

U.S. Department of Homeland Security
Washington, DC 20528

March 28, 2025

Heather MacLeod
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548-0001

Re: Management Response to Draft Report GAO-25-107481, "COAST GUARD: Documentation of Guidance for Notifying Congress of Investigations Needed"

Dear Ms. MacLeod,

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS, or the Department) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

DHS leadership is pleased to note GAO's positive recognition that the Coast Guard proactively notified Congress of investigations and related information, including those involving certain aspects of administrative, criminal, and regulatory investigations in instances where notification is, and is not, required by statute. The Coast Guard remains committed to strengthening processes and procedures for ensuring effective communication with Congress.

The draft report contained one recommendation with which the Department concurs. Enclosed find our detailed response to the recommendation. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for GAO's consideration, as appropriate.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

JIM H CRUMPACKER

Digitally signed by JIM H CRUMPACKER
Date: 2025.03.28 13:29:12 -04'00'

JIM H. CRUMPACKER
Director
Departmental GAO-OIG Liaison Office

Enclosure

**Enclosure: Management Response to Recommendation
Contained in GAO-25-107481**

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Appendix II: GAO Contact and Staff Acknowledgments

GAO Contact

Heather MacLeod, MacLeodH@gao.gov

Staff Acknowledgements

In addition to the contact above, Paul Hobart (Assistant Director), Richard (Giff) Howland (Analyst-in-Charge), Andrew Curry, Elizabeth Dretsch, and Samantha Lyew, made key contributions to this report.

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