

Coast Guard: Issues and Policies Related to Sexual Orientation and Gender Identity of Service Members

GAO-24-106436
Q&A Report to Congressional Requesters

November 15, 2023

Why This Matters

The U.S. Coast Guard, a branch of the armed forces located within the Department of Homeland Security (DHS), is responsible for protecting and defending more than 100,000 miles of U.S. coastline and inland waterways. The service also assists people in distress or affected by natural disasters. To accomplish its missions, the Coast Guard employs more than 40,000 active-duty service members. According to the Coast Guard, the service is committed to ensuring a supportive and inclusive environment free from discrimination and harassment, including on the basis of sexual orientation and gender identity.

A 2020 study suggests that Department of Defense (DOD) active-duty military service members who are lesbian, gay, bisexual, transgender, or queer (LGBTQ+) face an elevated risk of sexual harassment and assault compared to non-LGBTQ+ service members.¹ Although the study did not include the Coast Guard, it raises questions about the experiences of LGBTQ+ individuals within the service since the Coast Guard follows DOD personnel policies.² DOD has highlighted the rates of sexual assault and sexual harassment of LGBTQ+ service members as a concern.

We were asked to examine issues related to sexual orientation and gender identity of Coast Guard active-duty service members. This report addresses the service's policies and actions related to sexual orientation and gender identity among its active-duty service members.

Key Takeaways

- The Coast Guard collects limited information about the sexual orientation and gender identity of active-duty service members. Coast Guard officials stated that they are awaiting further guidance from DOD before possibly collecting additional information.
- The Coast Guard has a policy for handling gender transition requests from military service members (which include both active-duty and reserve members) but has not always adhered to the policy's 90-day timeframes for review and approval.³ We recommend that the Coast Guard collect information on gender transition request timeframes and use the information it collects to identify and address the causes of any delays.
- Coast Guard military service reported 116 discrimination and harassment incidents related to sexual orientation and gender identity from fiscal year 2013 through April 2023. Certain reports resulted in corrective actions, including requiring the person responsible to attend training, modification of a performance evaluation, and reassignment.

- The Coast Guard has not assessed barriers for LGBTQ+ service members, but the service has taken certain steps to support LGBTQ+ individuals, such as implementing a voluntary diversity and inclusion education program that includes discussions related to sexual orientation and gender identity.

How has military policy regarding LGBTQ+ service members changed over time?

Military policies pertaining to the sexual orientation and gender identity of active-duty service members have fluctuated over time.

Sexual orientation

- We have previously reported that although the language and administration of the military’s policy on sexual orientation has changed since 1941, the policy evolved from the one adopted during the mobilization for World War II.⁴ That policy excluded those who identify as homosexual from serving in the U.S. armed forces, which includes the Coast Guard, and was based on the professional military judgment that the policy promoted overall combat effectiveness.
- In 1994, the U.S. military implemented “Don’t Ask, Don’t Tell,” which established that service members were not required to disclose their sexual orientation. Under this policy, military officials would not investigate a service member’s sexual orientation unless external evidence came to light that the service member was lesbian, gay, or bisexual.⁵ However, when a service member’s orientation was made public, either intentionally or inadvertently, they could be discharged.⁶
- In 2011, the “Don’t Ask, Don’t Tell” policy was formally repealed.⁷ Current policy provides for individuals who are openly lesbian, gay, and bisexual people to be allowed to serve in the military, including the Coast Guard.

Gender identity

- Until June 2016, DOD treated the physical and psychological aspects of identifying as transgender as disqualifying conditions for new accessions and grounds for the discharge of existing service members.⁸ In 2016, the policy changed to allow unrestricted military service by transgender individuals and DOD announced plans to begin to admit transgender recruits by July 1, 2017.⁹
- From 2017 until 2021, the ability of transgender service members to join or serve in the military was changed several times by various presidential memorandums and DOD policies. These changes, to varying degrees, re-imposed certain restrictions.¹⁰ For example, individuals with a medical diagnosis of gender dysphoria—the conflict between physical gender and the gender with which an individual identifies—were ineligible to serve in most cases during this time period.
- In January 2021, the President issued an executive order that states that all Americans who are qualified to serve in the Armed Forces should be able to serve, and that gender identity should not be a bar to military service.¹¹ In March 2021, DOD published policy updates for transgender military service, which again allowed transgender individuals to serve.¹²

How does the Coast Guard handle gender transition requests from service members?

The Coast Guard has followed its gender transition request policy and procedures but has not always adhered to the policy’s timeframes for review and approval. In June 2021, and in alignment with DOD policy, the Coast Guard modified its policies and standards to ensure transgender members are able to serve on active-duty.¹³ In addition, the policy requires a medical diagnosis of gender dysphoria as part of the service member’s request to receive medical

treatment to transition genders. Following this diagnosis, the policy states that service members are to route gender transition requests through their chain of command.

Coast Guard policy states that service members should receive a response containing an approval or denial of their gender transition request within 90 days—which aligns with DOD policy.¹⁴ Specifically, commanding officers up to the first Captain in the service members’ chain of command must respond to a completed gender transition request within 45 days, and the Coast Guard Personnel Service Center must respond within 45 days of receipt from the commanding officer.¹⁵ According to policy and Coast Guard officials, the 90 day timeframe applies to gender transition requests that include all the required information and enclosures (i.e., a completed package). Coast Guard officials stated, though, that their goal is to adhere to the prescribed timeframes even if the submitted requests have errors or are incomplete.

Based on our analysis of documentation, however, the Coast Guard has not always met the designated timeframes. As of July 2023, 7 of 16 approved gender transition requests submitted from September 2021 through June 2023 surpassed the 90-day timeframe. Approval times that surpassed 90 days ranged from 147 to 353 days. The cause of the delays could not be determined because the Coast Guard had not been tracking milestones or potential issues in the process prior to our review. Coast Guard officials did note, however, that a request may take longer if it requires several senior level reviews, such as for more junior officers or those working in smaller units within a command. Further, service members have sometimes incorrectly submitted requests or submitted incomplete requests.

In an effort to address these issues, Coast Guard officials told us in July 2023 that they had begun tracking gender transition request milestones and plan to streamline the process for submitting requests for final adjudication. However, the new process is still under development. Collecting information on gender transition request timeframes and using the information to identify and address the causes of any delays would help ensure the service is following its policy and better position it to efficiently respond to these requests.

What sexual orientation and gender identity data does Coast Guard collect?

The Coast Guard collects limited information on the sexual orientation and gender identity of active-duty service members and does not know how many LGBTQ+ individuals are in its ranks. Coast Guard officials stated they maintain parity with DOD guidance and requirements for collecting and maintaining military personnel information. Current DOD policies, which have been in place since “Don’t Ask, Don’t Tell”, generally prohibit collecting information on sexual orientation and gender identity for military service members without a waiver from the Office of the Under Secretary for Personnel & Readiness that demonstrates it is necessary for official military reasons. According to DOD policy and officials, DOD may not collect sexual orientation data for administrative purposes. DOD may, however, collect the data through surveys for research related to prevention of sexual assault and harassment, among other things.¹⁶

The Coast Guard collects some sexual orientation and gender identity information through its application and onboarding documentation packages. For example, medical forms include both “Birth Sex” and “Preferred Gender” entries—both of which include checkboxes allowing individuals to choose either male or female. Coast Guard officials stated that personnel records may have information on which members are married to other members, including same-sex marriages. However, the Coast Guard keeps most of those records at the unit level, and it does not use personnel data for analysis.

The Coast Guard participates in some DOD workforce surveys of military service members, which have included questions on sexual orientation and gender identity since 2016.¹⁷ Certain surveys have collected information on sexual orientation only, including whether the respondent has experienced or witnessed harassment based on sexual orientation. Others collected information on both sexual orientation and gender identity.¹⁸ DOD officials cautioned that reporting data from these questions may not provide statistically reliable results because the Coast Guard is a small service and LGBTQ+ Coast Guard service members may choose not to identify as LGBTQ+ on the survey. Further, survey response rates were relatively low (e.g., 34 and 21 percent for the 2018 and 2021 workplace and gender relations surveys, respectively), which may affect the ability to generalize the survey results to the larger workforce.

What are the Coast Guard's future plans to collect data on LGBTQ+ individuals?

Coast Guard officials stated that they are awaiting further guidance from DOD before possibly collecting additional information. A June 2022 executive order directed agencies to establish a data action plan that details how they plan to use sexual orientation and gender identity data to advance the equity of LGBTQ+ individuals.¹⁹ In response to this executive order, DOD submitted its data action plan to The White House Office of Science and Technology and the Executive Office of the President in May 2023 and is awaiting further direction, according to DOD officials.

DOD officials stated that next steps include adding sexual orientation and gender identity on more surveys and conducting additional analyses on existing survey data. According to these officials, they do not plan to collect administrative data, such as data maintained in personnel records, on sexual orientation or gender identity in the near term. Doing so would require wholesale changes to data systems, and these officials stated that DOD would first need to conduct feasibility assessments. Further, officials noted recent changes in policy on whether LGBTQ+ individuals can serve openly and stated that including such information in administrative databases could put the individual at risk of expulsion if the policy changes in the future.

Coast Guard officials stated that they are awaiting further guidance from DOD before possibly collecting additional information, such as appropriate pronoun nomenclature, as well as necessary updates to the existing systems. DOD officials agreed that it is appropriate for the Coast Guard to await their guidance for all military services to consistently collect this information.

How many reported harassment or assault incidents were related to sexual orientation or gender identity?

Military Coast Guard service members reported a total of 1,640 incidents of discrimination and harassment from fiscal year 2013 through April 2023, and 116 of these (7 percent) were related to sexual orientation and gender identity. The number of sexual assault incidents on LGBTQ+ military Coast Guard service members is unknown. According to Coast Guard officials, they follow DOD's process for reporting and tracking incidents of sexual assault, which does not identify alleged victims' sexual orientation or gender identity. Figure 1 describes the three discrimination and harassment reporting mechanisms and the frequency that Coast Guard military service members have used them since 2013.

Figure 1: Coast Guard Military Service Member Reports of Harassment Based on Sexual Orientation and Gender Identity by Process, Fiscal Year 2013 through April 2023



Source: GAO analysis of Coast Guard policy and data. | GAO-24-106436

Accessible Text for Figure 1: Coast Guard Military Service Member Reports of Harassment Based on Sexual Orientation and Gender Identity by Process, Fiscal Year 2013 through April 2023

- **Equal Opportunity:**
 - Process, comprised of a pre-complaint and formal complaint process, for individuals who believe they have been subjected to unlawful discrimination based on protected classes (race, color, religion, sex, national origin, age, disability, and genetic information) to submit a complaint.
 - Goal is to come to a resolution
 - 7 sexual orientation & gender identity complaints of 402 total
 - Who can report: victim
 - Who is responsible for responding: Incidents are reported to the Civil Rights Service Provider and investigated by a contract investigator. Where alternative dispute resolution is applicable, the Civil Rights Directorate coordinates resolution efforts with the command.
- **Anti-Harassment and Hate Incident**
 - Process to stop harassing behavior and take corrective action.
 - Goal is to stop behavior before it escalates to an unlawful level
 - 101 sexual orientation & gender identity complaints of 1,165 total

- Who can report: Victim or witness
- Who is responsible for responding: Incidents are reported to the commanding officer and are investigated by trained Coast Guard investigators. The command determines whether the complaint is substantiated and, if so, what action to take.
- **Social Climate Incident:**
 - Process to document and track discrimination or harassment against Coast Guard military personnel or their families by a member of the community.
 - Goal is to help maintain a safe community and raise awareness for personnel who can be stationed within that community
 - 8 sexual orientation & gender identity complaints of 73 total
 - Who can report: Victim or witness
 - Who is responsible for responding
Incidents are reported to the commanding officer who may work with local law enforcement and civic groups, the Civil Rights Directorate, the complainant among others in investigating and resolving the incident.

Source: GAO analysis of Coast Guard policy and data. | GAO-24-106436

Note: Service members can identify multiple bases for discrimination or harassment in reports for all three mechanisms (e.g., sexual orientation and race). The service's complaints mechanisms are outlined in the *U.S. Coast Guard Civil Rights Manual*, COMDTINST M5350.4E (Washington, D.C.: Oct. 21, 2020).

The Coast Guard operates two distinct work place harassment complaint processes. Military service members who are subjected to prohibited harassment in the workplace may seek relief through the Equal Opportunity complaint process and the Anti-Harassment & Hate Incident process.²⁰

- Equal Opportunity complaints must represent severe or pervasive unlawful harassment.
- Anti-Harassment & Hate Incident complaints can be based on a single event of harassment or hate with the goal to stop the behavior before it becomes severe or pervasive and to improve overall workplace climate.

The Coast Guard has also established a process for military service members to report social climate incidents. These are defined as actions committed by someone in a community against Coast Guard personnel or their family members that is perceived as hostile, harassing, or discriminatory in nature.²¹ Incidents can come in the form of hateful slurs, physical threats, child bullying, denial of service, or other discriminatory or harassing behaviors. The Coast Guard tracks social climate incidents on a dashboard that is accessible to Coast Guard members. This type of information may help inform potential new duty station choices, according to Coast Guard officials.²²

How has the Coast Guard addressed reported harassment incidents?

The Coast Guard has taken actions to address complaints received through the various harassment reporting mechanisms, including reassigning service members and counseling the perpetrators.

Equal Opportunity. Of the seven complaints submitted from fiscal year 2013 through April 2023 on the basis of sexual orientation or gender identity, two resulted in corrective actions (the modification of a performance evaluation and reassignment).

Anti-Harassment & Hate Incidents. The Coast Guard substantiated 62 of the 101 complaints related to sexual orientation or gender identity reported from

fiscal year 2013 through April 2023. Corrective actions the Coast Guard took related to the 62 substantiated complaints included requiring the person responsible to attend training and providing that individual with verbal counseling. The Coast Guard also placed administrative remarks in records of the person responsible or reassigned or discharged the individual.

Social climate incidents. The Coast Guard posted summary information of all eight reported incidents to its internal website to alert other service members. In addition, the service took more direct actions to respond to certain incidents. For example, after a rock with sexual orientation slurs written on it was thrown at a service member's home, the local commanding officer notified law enforcement and held a town hall meeting with other Coast Guard housing residents in the area to discuss the incident. In another instance, a school bus driver harassed a service member's dependent based on their race and sexual orientation. In response, the Coast Guard endorsed the service member's request to move their family to another local community.

Has the Coast Guard assessed potential barriers for LGBTQ+ service members?

The Coast Guard has not assessed potential recruitment, retention, and advancement barriers specific to LGBTQ+ service members. Coast Guard officials stated that the service's efforts to identify barriers have focused on broad aspects of diversity, as directed by its Diversity and Inclusion Action Plan. Officials stated that there are no plans to conduct analysis specifically related to sexual orientation and gender identity. They added that the lack of data makes it difficult to conduct this type of analysis.

How has the Coast Guard supported LGBTQ+ service members?

The Coast Guard has taken certain steps to support the recruitment, retention, and advancement of LGBTQ+ service members. However, representatives of Spectrum—the Coast Guard's LGBTQ+ affinity group—identified certain challenges that remain.

Recruitment. Coast Guard officials stated that the service has trained recruiters that LGBTQ+ individuals may enlist in the service. In addition, according to these officials, there are LGBTQ+ service members who are recruiters. However, Spectrum national representatives told us that there may be a belief and misinformation among recruits that LGBTQ+ individuals cannot serve in the military.

Retention. The Coast Guard has shown support for LGBTQ+ service members that could help retain them, but some service members reported barriers to career advancement and considerations of leaving the service to avoid being transferred to certain communities. To support LGBTQ+ service members, in March 2023, the Coast Guard formalized Spectrum as the service's LGBTQ+ affinity group through a memorandum of understanding.²³ Additionally, the Coast Guard's voluntary diversity and inclusion education and awareness program includes discussion and definitions related to sexual orientation and gender identity.

Spectrum national representatives, along with representatives from the three local Spectrum chapters we met with, stated that the Coast Guard is supportive of the LGBTQ+ community overall. For example, the Coast Guard has supported LGBTQ+ Pride Month through statements on social media and the Coast Guard website (see fig. 2). They also said that senior officers had marched in local Pride Month parades with Spectrum chapter members. As of August 2023, one of the Coast Guard's June 2023 social media posts on Pride Month had received over 12,000 views. Such support could help retain LGBTQ+ service members, according to the Spectrum representatives.

Figure 2: Coast Guard Webpage Recognizing Pride Month



Source: Coast Guard (September 1, 2023). | GAO-24-106436

Note: The page stated that during Pride Month and throughout the year, the Coast Guard proudly stands alongside its LGBTQ+ service members and civilians and focuses on being an inclusive service that welcomes, respects, values and empowers all people.

However, representatives from all three Spectrum chapters we met with stated that anti-LGBTQ+ views within the Coast Guard can be a barrier for retention. For example, one lesbian service member we spoke with is planning to move to the reserves after 10 years on active-duty due to discrimination.

Additionally, representatives from the three Spectrum chapters stated that certain communities where Coast Guard service members are stationed are less accepting of LGBTQ+ service members than others. According to the chapter representatives, the Coast Guard could improve its process for assigning LGBTQ+ service members to new duty stations. They said that some active-duty service members choose to leave the service rather than transfer to a location where they would not feel safe. Coast Guard officials stated that the service is reviewing how it assigns service members to maximize both individual assignment satisfaction and meeting service requirements.

Advancement. Coast Guard officials stated that the service has addressed perceived biases in promotion considerations related to sexual orientation and gender identity by removing all identifiers from employee reviews and promotion packages, which aligns with DOD practices. According to officials, this approach should help ensure that an individual's sexual orientation and gender identity would not be a barrier to advancement.

However, some promotion opportunities require specific changes to duty stations, which Spectrum members noted as a potential barrier, as discussed above. In one example provided by Spectrum, a service member's promotion required the individual to relocate to an area the member considered unsafe for LGBTQ+ individuals. The member refused the offer of promotion and plans to leave the Coast Guard.

Conclusions

The Coast Guard aims to ensure a supportive and inclusive environment free from discrimination and harassment, including on the basis of sexual orientation and gender identity. The service has taken certain steps to support LGBTQ+ service members, including implementing a voluntary diversity and inclusion education program that includes discussions related to sexual orientation and gender identity. Further, since 2021, the service has allowed unrestricted military service by transgender individuals, and service members may request a gender transition through their chain of command.

However, almost half of the 16 gender transition requests submitted through June 2023 have surpassed the 90-day timeframe to respond. As the Coast Guard implements its planned process for tracking gender transition requests,

collecting information on gender transition request timeframes and using the information to identify and address the causes of any delays would help ensure the service is following its policy and better position it to efficiently respond to these requests.

Recommendation for Executive Action

The Coast Guard Assistant Commandant for Human Resources should collect information on gender transition request timeframes and use the information to identify and address the causes of any delays.

Agency Comments

We provided a draft of this report to DHS and DOD for review and comment. DHS provided written comments (reproduced in appendix I) and concurred with the recommendation we made to them. DOD did not provide formal comments but did provide technical comments, which we incorporated as appropriate.

How GAO Did This Study

We reviewed relevant laws, presidential memorandums, and executive orders covering sexual orientation and gender identity in the military. In addition, we reviewed Coast Guard and DOD policies pertaining to LGBTQ+ service members. Our work focused on Coast Guard active-duty service members.

We interviewed Coast Guard and DOD officials to understand military policies and efforts related to sexual orientation and gender identity among active-duty service members. We also interviewed Spectrum national representatives as well as representatives from three of the 11 local Spectrum chapters (selected based on recommendations from Spectrum national representatives and geographic dispersion). These chapter interviews are not generalizable but provide insights on LGBTQ+ experiences in the Coast Guard.

To assess how the Coast Guard implemented the military gender transition requests policy, we analyzed Coast Guard data on timeframes to approve gender transition requests submitted from September 2021 through June 2023—all of the data available at the time of our review. To assess the reliability of the data, we conducted manual data testing for errors (e.g., missing data) and held discussions with and obtained written responses from cognizant Coast Guard officials about the data. We determined that the data were sufficiently reliable for reporting the length of time from a service member submitting a gender transition request to the request's approval. To determine whether there were delays in the review process, we compared the results of our data analysis to timeframes outlined in the commandant instruction *Military Transgender Service*. In addition, we reviewed checklists developed by the Coast Guard and Spectrum to help service members navigate the gender transition request process.

To determine what sexual orientation and gender identity information and data the Coast Guard collects from active-duty personnel, we reviewed onboarding forms and information in personnel databases. We reviewed documentation from the Workplace and Gender Relations Survey, the Workplace and Equal Opportunity Survey of Active-Duty Members, and the Defense Organizational Climate Survey. We reviewed Workplace and Equal Opportunity Survey documentation from 2017 and 2019. These represent the only years for which these surveys included questions on sexual orientation or gender identity. Further, we analyzed Equal Opportunity, Anti-Harassment & Hate Incident, and Social Climate Incident data over the last 10 years—from fiscal year 2013 through April 2023. To assess the reliability of the data, we (1) reviewed related documentation, including policies and complaint form fields, (2) performed manual testing of the data, and (3) held discussions with and obtained written responses from cognizant Coast Guard officials. We determined that the data

were sufficiently reliable for the purposes of reporting the number of incidents cited by service members and actions taken by the Coast Guard to address complaints.

To determine the extent to which the Coast Guard has identified and addressed any barriers pertaining to LGBTQ+ personnel, we reviewed documentation, including the services' diversity and inclusion action plan, the fiscal year 2023 recruitment plan, and training materials. We also reviewed the information available on the Coast Guard's website and social media accounts related to Spectrum and Pride Month celebrations.

We conducted this performance audit from December 2022 to November 2023 in accordance with generally accepted government auditing standards. Those 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.

List of Requesters

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 Chris Pappas
House of Representatives

GAO Contact Information

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A. Nicole Clowers, Managing Director, Congressional Relations, ClowersA@gao.gov, (202) 512-4400.

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**Homeland
Security**

October 30, 2023

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

Re: Management Response to Draft Report GAO-24-106436, "Coast Guard:
Issues and Policies Related to Sexual Orientation and Gender Identity of Service
Members"

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 is pleased to note GAO's recognition that, since July 2023, the U.S. Coast Guard is tracking gender transition request milestones and is working to streamline the process for submitting requests for final adjudication. The Coast Guard remains committed to ensuring a supportive and inclusive environment free from discrimination and harassment, including on the basis of sexual orientation and gender identity.

The draft report contained one recommendation with which the Department concurs. Enclosed find our detailed response to each recommendation. DHS previously submitted technical comments under a separate cover for GAO's consideration.

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: 2023.10.30 13:15:54 -04'00'

JIM H. CRUMPACKER, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

Enclosure

**Enclosure: Management Response to Recommendation
Contained in GAO-24-106436**

GAO recommended that the Coast Guard Assistant Commandant for Human Resource:

Recommendation 1: Collect information on gender transition request timeframes and use the information to identify and address the causes of any delays.

Response: Concur. The Coast Guard Personnel Support Division of the Personnel Service Center (PSC-PSD) began leveraging technology in processing requests to shorten processing timelines on August 4, 2023. Specifically, PSC-PSD uses the Microsoft Planner application, which facilitates collaboration between all the Service Central Coordination Cell (SCCC) members. The SCCC provides multi-disciplinary (e.g., policy, medical, legal, military personnel management) expert advice and assistance to Commanding Officers and Officers-In-Charge (CO/OICs) with regard to service by transgender members, and to assist CO/OICs in the execution of Coast Guard policies and procedures. Specifically, Microsoft Planner has an automated functionality that alerts SCCC collaborators when a task (e.g., gender transition request) is due, and sends notifications when comments are added by other collaborators. In addition, it sends daily reminders to collaborators that they still need to take action on the task (e.g., review gender transition request).

Additionally, PSC-PSD will work with the Assistant Commandant for Military Personnel to implement policy changes, as appropriate, to ensure individual commands meet deadlines within policy, such as prescribed by COMDTINST M1000.13B Chapter 6, Paragraph G.2¹, which states that the first O-6 or GS-15 in the member's chain of command must endorse the gender transition request and forward to the Coast Guard Personnel Service Center within 45 days of initial routing of the completed package.

Estimated Completion Date: September 30, 2024.

¹ COMDTINST M1000.13B, "Military Transgender Service," dated June 4, 2021
https://media.defense.gov/2021/Jun/08/2002737215/-1/-1/0/CIM_1000_13B.PDF

Text of Appendix I: Comments from the Department of Homeland Security

October 30, 2023

Heather MacLeod

Director, Homeland Security and Justice Issues

U.S. Government Accountability Office 441 G Street, NW

Washington, DC 20548-0001

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JIM H. CRUMPACKER, CIA, CFE

Director

Departmental GAO-OIG Liaison Office

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M1000.13B Chapter 6, Paragraph G.2¹, which states that the first O-6 or GS-15 in the member's chain of command must endorse the gender transition request and forward to the Coast Guard Personnel Service Center within 45 days of initial routing of the completed package.

Estimated Completion Date: September 30, 2024.

Endnotes

¹Schuyler, A.C., Klemmer, C., Mamey, M.R., Schrage, S.M., Goldbach, J.T., Holloway, I.W. and Castro, C.A.(2020), *Experiences of Sexual Harassment, Stalking, and Sexual Assault During Military Service Among LGBT and Non-LGBT Service Members*. Journal Of Traumatic Stress, 33: 257-266.

²For this report, we use the acronym LGBTQ+, while recognizing that a number of variations on this acronym are currently in use to describe individuals with diverse sexual orientations and gender identities. The "plus" is meant to be inclusive of identities that may not be covered by the acronym LGBTQ, such as asexual, intersex, non-binary, and twospirit.

³Active-duty personnel are full-time enlisted and officer personnel responsible for carrying out the Coast Guard's missions. The military workforce also includes reserve personnel. These are part-time enlisted and officer personnel. Coast Guard reservists are trained and qualified to take duty in times of war or national emergency and to augment Coast Guard forces. They also provide surge capacity to respond to natural or human-made disasters, accidents, and all other hazards.

⁴GAO, *Defense Force Management: DOD's Policy on Homosexuality*, [GAO-92-98](#) (Washington, D.C.: June 12, 1992) (citing DOD'S guidance on homosexuality was contained in Directives 1332.14, "Enlisted Administrative Separations," revised on January 28, 1982 and 1332.30, "Separation of Regular Commissioned Officers for Cause" Revised on February 12, 1986). In June 1992, we found that based on its policy of excluding homosexuals from the military, DOD annually expelled an average of about 1,500 men and women between 1980 and 1990 under the separation category of "homosexuality."

⁵In 1993, Congress passed Policy Concerning Homosexuality in the Armed Forces, which states in summary that a member of the armed forces shall be separated from the armed forces if, except in limited circumstances, that member indicates they are homosexual or bisexual or has engaged in homosexual acts. Pub. L. No. 103-160, § 571, 107 Stat. 1547, 1670 (Nov. 30, 1993). The DOD policy, Don't Ask, Don't Tell, developed to align with the statute further stated that a person's sexual orientation is not a bar to service entry or continued service unless manifested by homosexual conduct in the manner prescribed within the policy. Applicants would not be asked or required to reveal their sexual orientation or whether they have engaged in homosexual conduct unless independent evidence was received indicating that an applicant engaged in such conduct or unless the applicant volunteers a statement indicating they are homosexual or bisexual. See DOD Directive 1304.26 (Enclosure 1, Incorporating Change 1- March 1994).

⁶In 2005, we reported that more than 9,000 service members were discharged for homosexual conduct between fiscal year 1994 and fiscal year 2003. GAO, *Military Personnel: Financial Costs and Loss of Critical Skills Due to DOD's Homosexual Conduct Policy Cannot Be Completely Estimated*, [GAO-05-299](#) (Washington, D.C.: Feb. 23, 2005).

⁷Don't Ask, Don't Tell Repeal Act of 2010, Pub. L. No. 111-321, 124 Stat. 3515. In accordance with the act's prescribed procedures, the repeal of the Don't Ask, Don't Tell policy took effect on September 20, 2011 following the President's transmittal of the required written certification. See Executive Office of the President, *Certification* (Washington D.C.: July 21, 2011).

⁸According to the Congressional Research Service, information about medical standards and fitness regarding sexual orientation and gender identity can be found in DOD, *Medical Standards for Appointment, Enlistment, or Induction into the Military Service*, DOD Instruction 6130.03 (Apr. 28, 2010) and Department of the Army, *Standards of Medical Fitness*, Army Regulation 40-501 (Aug. 28, 2003). See Congressional Research Service, *Diversity, Inclusion, and Equal Opportunity in the Armed Services: Background and Issues for Congress*, R44321 (Washington, D.C.: Jun. 5, 2019). The medical definition of *transgender* is applied to individuals who do not identify or conform to their physical gender at birth and this may include, but is not limited to, those who self-identify as transgender, transsexual, gender-queer, gender nonconforming, or cross-gender. For some individuals, the conflict between physical gender and the gender with which he/she/they identify can cause psychological distress.

⁹See DOD, *In-Service Transition for Transgender Service Members*, DOD Instruction 1300.28 (Washington, D.C.: Oct. 1, 2016). More information and resources on these policy changes can be found at http://www.defense.gov/News/Special-Reports/0616_transgender-policy.

¹ COMDTINST M1000.13B, "Military Transgender Service," dated June 4, 2021
https://media.defense.gov/2021/Jun/08/2002737215/-1/-1/0/CIM_1000_13B.PDF

¹⁰For example, in June 2017, DOD delayed the decision to accept transgender recruits. Additionally, a Presidential Memorandum to the Secretaries of Defense and Homeland Security issued in August, 2017 announced that the physical and psychological aspects of identifying as transgender could be considered as disqualifying conditions for new accessions and grounds for the discharge of existing service members. See 82 Fed. Reg. 41319 (Aug. 30, 2017). Another presidential memorandum was issued in 2018 stating that the Secretaries of Defense and Homeland Security may exercise their authority to implement any appropriate policies concerning military service by transgender individuals. The presidential memorandum referenced a report submitted by the Secretary of Defense setting forth various possible policies such as restricting the ability of transgender persons with a history or diagnosis of gender dysphoria to serve. See 83 Fed. Reg. 13367 (Mar. 28, 2018).

¹¹Exec. Order 14004, 86 Fed. Reg. 7471 (Jan. 25, 2021).

¹²DOD's policy, as of August 2023, is DOD Instruction 1300.28, *In-Service Transition for Transgender Service Members* (Washington, D.C.: Apr. 30, 2021).

¹³Coast Guard, Commandant Instruction M1000.13B, *Military Transgender Service* (Washington, D.C.: Jun. 4, 2021).

¹⁴DOD Instruction 1300.28, *In-Service Transition for Transgender Service Members* (Washington, D.C.: Dec. 20, 2022), Coast Guard, *Military Transgender Service, Commandant Instruction M1000.13B* (Washington, D.C.: June 4, 2021).

¹⁵The Coast Guard Personnel Service Center supports mission execution by recruiting, accessing, assigning and developing careers, maintaining well-being, compensating, separating and retiring all Coast Guard military personnel.

¹⁶DOD Instruction 6400.11, *DOD Integrated Primary Prevention Policy for Prevention Workforce and Leaders* (Washington, D.C.: Dec. 20, 2022).

¹⁷According to DOD officials, the department utilizes its surveys to, among other things, provide a more comprehensive assessment of the prevalence and characteristics of service members' experiences with sexual assault, including their decision to report. DOD officials noted that survey data are particularly important because actual reported sexual assault incident data may provide an incomplete picture of the prevalence of sexual assault.

¹⁸According to DOD officials, collection of sexual orientation and gender identity adapted with changing policy. For example, in 2016, the Workplace and Gender Relations Survey of active-duty members included an option for respondents to identify as lesbian, gay, bisexual, or transgender. DOD discontinued collection of gender identity in the 2018 survey and began collecting this information again in 2021.

¹⁹Exec. Order No. 14075, 87 Fed. Reg. 37189 (June 21, 2022).

²⁰Coast Guard complaint processes are outlined in the *U.S. Coast Guard Civil Rights Manual*. Active-duty service members can pursue both the Equal Opportunity and Anti-Harassment & Hate Incident processes simultaneously.

²¹Coast Guard, *U.S. Coast Guard Civil Rights Manual COMDTINST M5350.4E* (Washington, D.C.: Oct. 21, 2020).

²²According to Coast Guard officials, the experiences of one service member may not be indicative of experiences of other service members in the same community. Nevertheless, social climate incident reports provide service members and their families with information they can use to inform decisions on location preferences.

²³Memorandum of Understanding Between United States Coast Guard and DHS Spectrum Affiliate-Coast Guard Spectrum, March 27, 2023.