

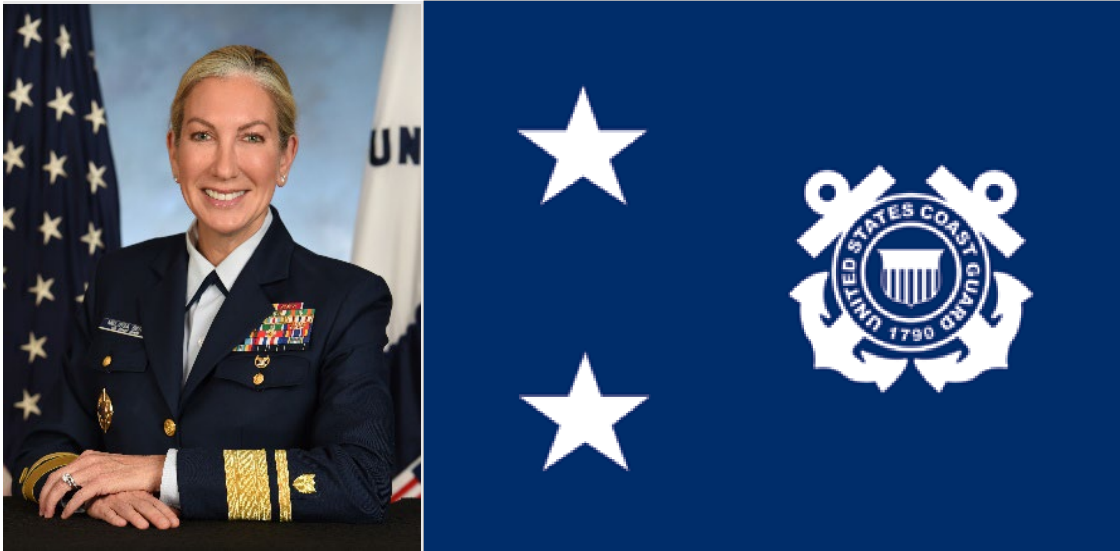
The Judge Advocate General of the United States Coast Guard



*Pictured: Coast Guard Headquarters' 2022 Women's History Month
Team with Guest Speaker, Director Young, OMB*

August 2021 – July 2022
Report to the American Bar Association

CGJAG LEADERSHIP



Rear Admiral Melissa Bert

JUDGE ADVOCATE GENERAL AND CHIEF COUNSEL, U.S. COAST GUARD

Rear Admiral Melissa Bert assumed duties as the Judge Advocate General and Chief Counsel of the Coast Guard in April 2020. She has the privilege to lead a dedicated group of legal professionals who are responsible for the delivery of all legal services in support of the Coast Guard's missions, its units, and its people.

Her preceding flag assignment was as Director of Governmental and Public Affairs, where she synchronized the service's external engagement with Congress, the media, and strategic partners and stakeholders. Prior to that, she was Deputy Director of Operations for the U.S. Northern Command overseeing homeland defense and defense support for civil authorities for North America, as well as theater security cooperation with Mexico and The Bahamas.

Other rewarding assignments include: Chief of Staff for the Seventh Coast Guard District, Chief of the Coast Guard's Maritime and International Law Office, Deputy Staff Judge Advocate for the Seventh District in Miami, FL, Operations Officer for Coast Guard Sector Los Angeles/Long Beach, and a Military Judge. For her legal expertise she was awarded the Young Military Lawyer of the Year for the Coast Guard by the American Bar Association in 1997 and the Judge Advocates Association Outstanding Career Armed Services Attorney Award in 2006.

RADM Bert began her career serving aboard two cutters, including as Executive Officer of the Cutter Red Birch. She is a graduate of the Coast Guard Academy and George Washington University Law School. She has been a national security fellow at the Harvard Kennedy School and a military fellow with the Council on Foreign Relations (CFR) in New York. She has taught as an adjunct professor at George Washington University and University of Miami Law School.

RADM Bert's honors include the United Way American Values Award, the Joint Superior Service Medal, two Legions of Merit, and three Meritorious Service Medals. She is a life member of the Council on Foreign Relations and a Proctor in Admiralty in the United States Maritime Law Association. She is also the founder of the Women's Leadership Initiative supporting mentoring and professional development for Coast Guard women in uniform and civilians.

THE COAST GUARD LEGAL PROGRAM (CGJAG)

One of the great strengths of the United States Coast Guard is the broad suite of legal authorities that underpins our eleven statutory missions. The Coast Guard is the principal Federal agency responsible for maritime safety, security, and environmental stewardship in U.S. ports and waterways. The Coast Guard protects and defends more than 100,000 miles of U.S. coastline and inland waterways, and safeguards an Exclusive Economic Zone (EEZ) encompassing 4.5 million square miles stretching from North of the Arctic Circle to South of the equator, from Puerto Rico to Guam, encompassing nine time zones – the largest EEZ in the world. The Coast Guard also exercises broad authorities on the high seas. CGJAG, including judge advocates, civilian counsel, reserve attorneys, and enlisted and civilian support staff are involved in every facet of Coast Guard operations and mission support.



The Coast Guard is one of the six Armed Services of the United States, but is within the Department of Homeland Security. In addition to its role as an Armed Service, the Coast Guard is a first responder and humanitarian service that provides aid to people in distress or impacted by natural and man-made disasters whether at sea or ashore.

In addition, the Coast Guard is a member of the Intelligence Community, and is a law enforcement and regulatory agency with broad legal authorities associated with maritime transportation, hazardous materials shipping, bridge administration, oil spill response, pilotage, and vessel construction and operation.

From law enforcement to disaster response, from intelligence operations to marine safety and security, CGJAG is actively engaged in every Coast Guard mission. We provide commanders a decision-making advantage and drive mission execution by delivering proactive legal advice and counsel across the full spectrum of Coast Guard operations.





Total Active Duty Judge Advocates

262

Reserve Attorneys

31

Total Civilian Attorneys

104

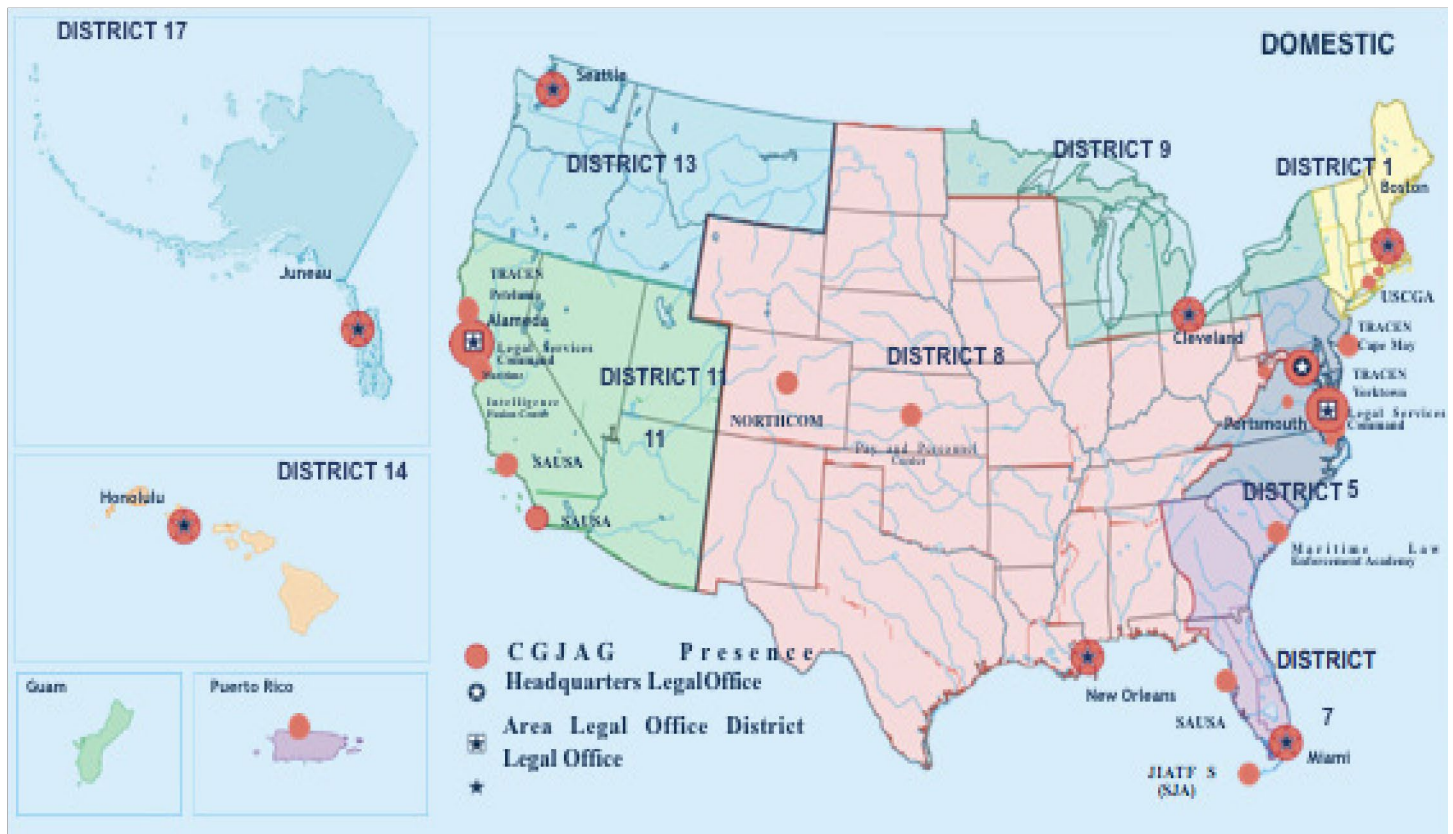
Total Support Staff

111

CGJAG WORKFORCE

CGJAG has a presence in all nine Coast Guard districts (Districts 1, 5, 7, 8, 9, 11, 13, 14, and 17), the headquarters of the Coast Guard's Atlantic and Pacific Areas, as well as in Coast Guard Headquarters in Washington, DC, and a number of other activities. CGJAG members at the Legal Service Command, principally located in Norfolk, VA and Alameda, CA, serve the Mission Support Community and provide specialized legal services, including military justice trial services, to the rest of the Coast Guard. In addition, CGJAG assigns personnel to five DoD Combatant Commands.

CGJAG FORCE LAYDOWN

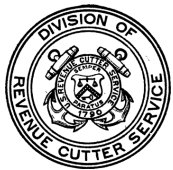


The Coast Guard's Judge Advocates serve in both legal and non-legal assignments, including the Vice Commandant of the Coast Guard, the Atlantic Area Commander, two Coast Guard District Commanders, Commanding Officers of Coast Guard cutters, and a Sector Commander who serves as Captain of the Port.

Currently, five Judge Advocates are Flag Officers: the Vice Commandant of the Coast Guard, Atlantic Area Commander; the Judge Advocate General; the District Five Commander, and the District Eleven Commander. Other Judge Advocates serve as command cadre, including command of one of the Coast Guard's ten National Security Cutters, and a Sector Commander who serves as Captain of the Port.

Evolution of Coast Guard Legal Authorities

In 1790, the First Congress of the United States established a small maritime law enforcement component within the Treasury Department to assist in collecting the new Nation's customs duties. For the next eight years, this Revenue Marine (later called the Revenue Cutter Service) was the Nation's only naval force and was soon assigned military duties. Over time, the Revenue Cutter Service merged with or absorbed other federal agencies. The Service acquired new legal authorities and responsibilities based upon its ability to perform them with existing assets and minimal disruption to its other duties. In some cases, the Service absorbed other agencies because their maritime responsibilities were redundant or complementary. The result is today's U.S. Coast Guard, a unique force with a broad and diverse suite of legal authorities that carries out an array of civil and military responsibilities touching every facet of the maritime environment of the United States. Tracing its history to the Act of May 26, 1906, that established a military discipline system for the Revenue Cutter Service, CGJAG has evolved in step with the expanding missions of the Coast Guard.



The Revenue-Cutter Service, originally known as the Revenue Marine, was established to help collect revenue on imports to help pay the Nation's war debts following the Revolutionary War. While the smuggling of goods initially helped support the war effort, those same smuggling activities later deprived the country of much needed revenue. With the Tariff Act of 1790, Congress provided "more effectually for the collection of the duties... [t]hat the President of the United States be empowered to cause to be built and equipped so many boats and cutters, not exceeding ten, as may be necessary to be employed for the protection of the revenue...." The Coast Guard still retains customs authority and has been boarding vessels at sea to enforce U.S. law since construction of those first ten cutters.



The U.S. Lifesaving Service was established and combined with the Coast Guard in 1915 to form the modern-day Coast Guard: "Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled. That there shall be established in lieu of the existing Revenue-Cutter Service and the Life-Saving Service, to be comprised of those two existing organizations, with existing offices and positions and the incumbent officers and men of those two services, the Coast Guard, which shall constitute a part of the military forces of the United States."



The U.S. Lighthouse Service (or Bureau of Lighthouses) was created in 1910, after it was first established in 1789 as the U.S. Lighthouse Establishment and later reorganized as the Lighthouse Board in 1852. The Lighthouse Service merged with the Coast Guard in 1939. Under Title 14 of the U.S. Code, the Coast Guard still has responsibility to develop, establish, maintain, and operate aids to navigation.



The Steamboat Inspection Service was created in 1871. The Bureau of Navigation was created in 1884. The Steamboat Inspection Service merged with the Bureau of Navigation in 1932 to form the Bureau of Navigation and Steamboat Inspection, which the reorganized in 1936 to become the Bureau of Marine Inspection and Navigation.

Drug Interdiction. Drug Interdiction supports national and international strategies to deter and disrupt the market for illegal drugs, dismantle Transnational Organized Crime and Drug Trafficking Organizations, and prevent transnational threats from reaching the U.S. The Coast Guard is the lead federal agency for drug interdiction on the high seas.

Ports, Waterways, & Coastal Security. The Ports, Waterways, and Coastal Security (PWCS) mission protects people and property in the Marine Transportation System by preventing, disrupting, and responding to terrorist attacks, sabotage, espionage, or subversive acts. Activities under PWCS include preparedness planning and exercises, initiatives to enhance the resilience of maritime Critical Infrastructure and Key Resources and the Maritime Transportation System (MTS), the execution of antiterrorism and counterterrorism activities, and initial recovery efforts after attacks.

Aids to navigation. The United States operates the largest Aids to Navigation (ATON) constellation in the world. Coast Guard navigational aids include not only traditional floating buoys, fixed structures such as pilings, day boards, ranges, and lighthouses, but also electronic systems like the Global Positioning System and the Nationwide Automatic Information System, which is required on most commercial vessels operating in U.S. waters. In addition to federally owned ATON, waterways are marked by thousands of privately owned aids, which are permitted by the Coast Guard and must comply with Coast Guard regulations. Coast Guard lawyers work closely with the Office of Navigation Systems to develop regulations and policy consistent with statutory authority to establish and maintain ATON, and required navigational safety equipment on commercial vessels.



Pictured: The Isla de Cardona Light

Search & Rescue. The Coast Guard is the lead federal agency for maritime search and rescue in U.S. waters. We render aid to those in distress in the maritime environment and elsewhere when Coast Guard interdiction can influence the outcome of life-threatening incidents. We coordinate search and rescue efforts of afloat and airborne Coast Guard Units with those of other federal, state, and local responders and use Captain of the Port authorities and responsibilities to coordinate response efforts on waterways after an incident or disaster. Coast Guard lawyers provide organizational and operational advice on the execution of the Coast Guard's authority and obligations, both domestically and internationally.

Living Marine Resources. Living Marine Resources Law Enforcement is an obligation under the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act, and several other federal laws focused on the protection of marine resources. The core objective of these efforts is to provide effective and professional enforcement to advance national goals for the conservation, management, and recovery of living marine resources, marine protected species, and national marine sanctuaries and monuments.

Defense Readiness. Our Defense Readiness mission exercises the Coast Guard's unique authorities and capabilities to support the National Military Strategy. Lawyers advise both afloat and ashore commands on the authority to conduct Coast Guard, DoD, and joint operations; adherence to proper use of force and the standing rules of engagement; and the legal risk for conducting interdictions and boardings in support of domestic and international missions.

Alien & Migrant Interdiction Operations. Alien Migrant Interdiction Operations provide effective law enforcement presence at sea and achieve three main objectives: deter undocumented migrants and transnational smugglers from using maritime routes to enter the U.S.; detect and interdict undocumented migrants and smugglers far from the U.S. border; and expand Coast Guard participation in multi-agency and bi-national border security initiatives. Coast Guard lawyers provide real-time advice to operational commands on Alien Migrant Interdiction Operations in South Florida and Caribbean areas of operation.

Maritime Environmental Protection. The Coast Guard works with a variety of groups and organizations to ensure the livelihood of endangered marine species and their habitat. There are five areas of emphasis in the Marine Environmental Protection mission: (1) prevention—stopping pollution before it occurs through training, equipment, and procedures; (2) enforcement—providing civil and criminal penalties for illegal acts; (3) surveillance—protecting the marine environment by conducting pollution over-flights, vessel examinations, harbor patrols, transfer monitoring, and facility inspections; (4) response—removing and mitigating spills of oil and hazardous substances; and (5) in-house abatement—ensuring that Coast Guard vessels and facilities comply with federal environmental laws and regulations.

Marine Safety. The focus of the Coast Guard's marine safety mission is the prevention of deaths, injuries, and property loss. Marine safety responsibilities include ensuring the safe and environmentally sound operation of millions of recreational vessels and thousands of U.S. flagged commercial vessels. The Coast Guard develops and enforces Federal marine safety regulations, certifies and provides credentials to more than 218,000 mariners, documents U.S. vessels, investigates marine casualties and shares its findings, and conducts compulsory inspections as well as voluntary safety exams. Coast Guard attorneys provide legal advice to program elements within the Coast Guard to interpret existing laws and regulations to determine the extent of Coast Guard authority to act in the safety realm, both with respect to safety equipment required on vessels and the qualifications of those individuals working aboard.

Other Law Enforcement. Other Law Enforcement involves the enforcement of marine resource regulations on foreign fishing vessels. This enforcement takes two forms. The first is the deterrence, detection, and interdiction of illegal foreign fishing vessel incursions into the U.S. Exclusive Economic Zone (EEZ), which represent a threat to our nation's renewable natural resources and a violation of United States sovereignty. The second aspect is ensuring compliance with international agreements for the management of living marine resources.

Polar, Ice & Alaska Operations. The Polar Regions are becoming the focal point of maritime interest in terms of shipping, living marine resources, mineral and oil exploration, and scientific research. Coast Guard presence in the Polar Regions is growing with greater demands. Coast Guard polar icebreakers support national security and sovereignty, and national science missions in the Polar Regions.

CGJAG Support to Coast Guard Missions

CGJAG Program Development

The Office of Legal Policy and Program Development plans, develops, and executes policies and programs that will ensure the health of the legal program while ensuring the effective delivery of legal services throughout the Coast Guard. This program coordinates and oversees recruitment, assignment, training, and professional responsibility and development of judge advocates, civilian Coast Guard counsel, paralegals, and legal yeoman to ensure effective and efficient delivery of legal services. The program also plans and manages the acquisition, distribution, and use of legal program resources and performance support tools to include leveraging technology and available resources for information and knowledge management.

Active-duty members of CGJAG are accessed through two main avenues: Coast Guard members whose education is funded by our advanced education program and Direct Commission Lawyers (DCLs) commissioned on an extended active-duty contract sometime after they complete law school. In 2020, CGJAG opened the advanced education program to enlisted members. Enlisted members, with a bachelor's degree, apply to attend law school through the advanced education program. Once these enlisted members complete law school they will commission as Lieutenants in the Coast Guard legal program. To date, CGJAG has sent four enlisted members to law school with the first enlisted members scheduled to graduate from law school in May of 2023.



Pictured: In May 2022, LT Jessie Brenton graduated from University of Hawaii Richardson School of Law

CGJAG relies on the Direct Commission Lawyer (DCL) program to provide over half of the Service's judge advocates as well as a significant source of CGJAG diversity. The program continues its initiatives to expand efforts to recruit and access DCL into the Coast Guard, including requesting earlier selection notifications and exploring the

possibility of hiring attorneys with an initial operational tour followed by a legal assignment.

CGJAG also has a successful and robust internship program that professionally develops its interns in both legal and operational environments; over 70% of its interns apply to the CGJAG program, with many of those individuals entering the service as its newest DCLs.

CGJAG currently has 31 Reserve judge advocates providing contingency support to its legal operations nationwide. To further supplement the Reserve component, the Program successfully implemented the Direct Commission Lawyer Selected Reserve (DCL-SELRES) recruiting initiative in December 2019. Under this initiative, licensed attorneys may apply to join CGJAG as Reservists, where they will be commissioned as CG Reserve judge advocates immediately after completing basic training. The most recent class graduated four direct commission reserve attorneys in July 2022, bringing the total number of DCL-SELRES to seven.

During this period, CGJAG commissioned eight DCL attorneys, four SELRES DCLs, and sponsored 35 interns.



Pictured: D17 attorneys and support personnel with RADM Bert and D17 District Commander, RADM Moore.

Civil Advocacy, Claims and Litigation

CGJAG actively manages an extensive claims program under several federal statutes. This involves not only adjudicating claims made against the agency, but also collecting monies owed the government due to penalties assessed for violations of federal law, for damage to Coast Guard property, and for cleanup & recovery costs. The Office of Claims and Litigation, in support of its partners from Department of Justice (DoJ) and various United States Attorney offices, defends and asserts the Coast Guard's legal interests in a panoply of cases related to its internal operations and its 11 statutory missions.

During this period, the Claims program was involved in several significant cases. Examples of significant litigation includes:

Taylor Energy Co. LLC. v. United States, 16-12C (Fed. Cir.): Taylor Energy sued the United States seeking the release of \$432 million held in a trust to ensure that Taylor Energy fulfilled its obligations to plug and abandon 25 wells associated with a production platform toppled in Hurricane Ivan in 2004. Taylor Energy claimed there was nothing more that could be done and claimed that the United States was in breach of contract based on state contract law theories. The Government successfully argued that the Outer Continental Shelf Lands Act preempts any state contract law claim. As a result, Taylor Energy was obliged to continue to fulfill its requirements under Outer Continental Shelf Lands Act (OCSLA) to plug the wells and stop this long running discharge. A 2022 settlement set aside substantial funds to close the wells under Federal oversight.



Pictured: Taylor Energy Oil spill.

Eleventh District attorneys, in conjunction with the Legal Service Command (LSC) and Claims and Litigation, provided legal support to DoJ in preparing a motion for summary judgment in *Center for Biological Diversity vs. NOAA Fisheries, Coast Guard, et al.* The suit challenges the adequacy of the Endangered Species Act consultation between NOAA and the Coast Guard that was required to be done prior to the Coast Guard's promulgation of

traffic separations schemes (TSS) into and out from the ports of Los Angeles/Long Beach and San Francisco. Specifically, Plaintiffs asserted that NOAA's biological opinion supporting the Coast Guard TSS was flawed and must be done anew.

Eleventh District attorneys teamed with DoJ to respond to a \$30 million wrongful death lawsuit brought by survivors of the dive boat CONCEPTION fire tragedy. The suit alleges the Coast Guard saw deficiencies on board the vessel that caused the fire. The civil lawsuit pends while the criminal action against the Captain of the vessel for seaman's manslaughter charges ensues.

The LSC Claims Division served as the Coast Guard's representative to the Transportation Command Defense Personal Property Program Claims and Liability Business Rules (LBR) committee. The Claims Division, together with representatives from the Army, Navy, and Air Force, developed and implemented updated rules governing the shipment and storage of military members' household goods. The LBR committee's efforts ensure members will be accurately reimbursed for high value or high risk items damaged during shipment or storage.

The LSC Claims Division, with the assistance of a mobilized RJAG, supported the Coast Guard's response to the water contamination incident at the Red Hill government housing complex responding to questions received from military members on how to be reimbursed for their damaged personal property and provided guidance on the claims process to the on-scene Coast Guard attorneys and staff.

The LSC Claims Division adjudicated more than 290 wrongful death, personal injury, and property damage cases totaling more than \$531 million in claimed damages and negotiated settlements of approximately \$424,000 and recovered more than \$233,000 owed to the United States for damages to Federal property.

Contingency Response

The legal contingency response program trains and prepares our attorneys to be prepared to provide legal advice and other services in support of homeland security and domestic disaster operations or other contingency operations. When contingency operations are required, active duty and reserve Coast Guard judge advocates and civilian attorneys respond as necessary to support the larger contingency mission.

Judge advocates in the Coast Guard's Seventh District provided critical support to the U.S.-led response after a magnitude 7.2 earthquake struck southwestern Haiti in August 2021. The event resulted in approximately 2,248 deaths, 12,763 injuries, and 329 missing to date. Judge advocates prepared guidance for the District Commander highlighting the Coast Guard's broad authority to conduct search and rescue at any place where its facilities may be of use, including in the waters and territories of another nation. This rapid and timely advice facilitated the provision of vital humanitarian and rescue assistance to 650,000 Haitians in the impacted area. When U.S. Southern Command stood up Joint Task Force Haiti in support of the lead federal agency, United States Agency for International Development (USAID) Bureau of Humanitarian Assistance (BHA), Seventh District attorneys coordinated with BHA representatives to prepare critical interagency agreements to support BHA requirements. The Seventh District's judge advocates were critical to facilitating a prompt response and supporting prolonged humanitarian assistance efforts. Their efforts directly contributed to the saving of 214 lives and assistance of 140 lives.

The Seventh District is committed to protecting the U.S. Southeast Border and maritime approaches to

protect against illicit maritime activities, including drug and human smuggling. In response to an increase in migrant activities, the Seventh District stood up Operation Southeast Watch to combat and deter a potential mass migration event. The Seventh District judge advocates advise operational commanders on the authority and jurisdiction for these operations and facilitate interagency coordination to repatriate migrants to their country of origin or departure.



Pictured: An overloaded migrant vessel sails next to the U.S. Coast Guard Cutter Confidence off the northwest coast of Haiti. The boat collided with the bow of the cutter.

Hurricane Response



On August 29, 2021, the 16th anniversary of Hurricane Katrina, Hurricane Ida made landfall in Louisiana as a category four hurricane. Ida became the 4th costliest hurricane in the Atlantic in U.S. history, totaling approximately \$65.25 billion dollars

in damage. Over the span of several months, multiple Legal Support Teams, including multiple RJAG's, deployed to provide legal assistance to the units and members devastated by the storm.

During the 2021 hurricane season, the Eighth District was directly struck by two tropical storms and two hurricanes, including the category 4 Hurricane Ida. The Eighth District attorneys deployed to St. Louis, MO, Houston, TX, and Sector New Orleans to give critical real time legal advice to District and Sector Commanders responding to the storm's environmental and structural wake of destruction. In addition to supporting operations, attorneys also supported affected members through legal assistance, covering diverse issues such as landlord/tenant, contract, insurance, and property law.

Attorneys traveled 200+ miles round trip to Station Grand Isle where the worst of the hurricane hit to conduct an investigation into 34 Coast Guard members' and dependents' damaged personal belongings and subsequently advised each family individually on how to properly file a Coast Guard claim. The team also stood 24/7 legal duty and presented approximately five legal assistance briefings.

Atlantic Area attorneys provided legal support to efforts by the Area staff and units to prepare for and respond to the third most active hurricane year on record in terms of named storms. In 2021, there were 21 named storms, seven hurricanes, four major hurricanes, and eight storms hitting the U. S. coastline.

COVID-19

Coast Guard attorneys played an integral role in response to the COVID-19 pandemic.

Several RJAG attorneys mobilized to support the Coast Guard's COVID-19 response, serving in both legal and operational roles. At Headquarters, active and reserve attorneys ensured operational readiness by evaluating the impact various force protection measures would have on mission performance and recommending courses of action to senior leaders. In Pacific Area, reserve attorneys supported senior leadership analysis of the impact COVID-19 infection rates and vaccination rates had on mission readiness and helped develop and monitor implementation of force protection policies.

The First District Legal Office advised its personnel and units on numerous issues related to the U.S. response to the global pandemic, including managing foreign flagged ship arrivals from COVID-19 affected areas. The District One Legal Office worked extensively with other District One units on various strategies to reduce strain on members to ensure they felt protected and prepared to perform their operational missions. These efforts included ensuring operational plans incorporated the most recent guidance from agencies to minimize COVID-exposure. Additionally, the legal office completed numerous ethics reviews regarding COVID inspired gifts to the Coast Guard. Further, the legal office provided significant support to a remote unit, ultimately resulting in the first ever co-operative program between a remote unit and a group of parents attached to the unit to enable the member's children to participate in remote schooling onboard

Coast Guard property after local schools were forced to adjust their curriculum.

LSC-PSC worked closely with CG-094 elements to develop and implement CG-wide policies and procedures relating to mandatory vaccination of military personnel for COVID-19, including risk mitigation measures relating to assignments, and subsequently provided a comprehensive declaration from PSC Commander in support of the United States as part of a defense against a lawsuit filed in U.S. District Court.

Operation Allies Welcome



Coast Guard active duty and reserve attorneys supported the whole of government effort to safely and securely resettle over 100,000 evacuated Afghans to the United States from August 2021 – January 2022. These attorneys directly supported one of the largest movements of people in American history through a \$5 billion response effort that spanned 18 federal agencies and nine non-governmental organizations that delivered vital services to the evacuees across the United States.



Pictured: Military Members marking the departure of last families leaving hotel. LTJG Jeremy Lorenzo, RJAG, is first in blue from the right.

Cyber, Intelligence and Information Law

The Office of Information and Intelligence Law (CG-LII) is responsible for advising on the collection, storage, and sharing of government information; intelligence activities; cyber security and operations, telecommunications policy; and other similar programs. The Office also provides support for the Coast Guard Investigative Service and supports the Coast Guard's intelligence oversight program.

Information Law. The attorneys in this practice area provide legal advice and guidance on issues pertaining to the proper sharing and disclosure of information with the public, foreign and interagency partners, and with state, local, territorial and tribal entities. CG-LII attorneys analyze privacy and civil rights issues, advise on the handling of privacy incidents, and help craft mitigation strategies. These attorneys also serve as the intermediate intellectual property legal advisor, in consultation with the DHS Office of General Counsel attorneys, in the areas of copyright, trademark, branding, and licensing.

Intelligence Law. The Coast Guard Intelligence Enterprise (CG-2) is divided into two elements. The law enforcement intelligence element (LEIE) plans, directs, collects, reports, processes, exploits, analyzes, produces, and disseminates information pursuant to Coast Guard law enforcement authorities in support of mission execution through law enforcement operations. The Coast Guard's national intelligence element (NIE) conducts intelligence activities as a member of the Intelligence Community (IC). Coast Guard Intelligence is required to comply with executive branch and statutory oversight requirements, including mandatory reporting to Congress. The Judge Advocate General manages an intelligence oversight program. CG-LII also supports embedded attorneys at intelligence units including the Coast Guard's Cryptologic Group, the area Maritime Intelligence Fusion Centers, and the Intelligence Coordination Center. Further, the attorney embedded with the Coast Guard Counterintelligence (CI) Service provides support to national security investigations and counterintelligence operational planning for all CI agents across the Coast Guard.

Cyberspace. CG-LII supports the Office of Cyberspace Forces (CG-791), which stood up in 2017, to man, equip, and train Coast Guard cyberspace forces and develop appropriate strategy, policy, and doctrine for Coast Guard Cyber Command. The attorney-advisor for the Office of Cyberspace Forces provides advice regarding executive orders, legislation, and national security priorities related to the defense of the Coast Guard's

network, Coast Guard efforts to protect the cyberspace associated with the marine transportation system, and the development of capabilities for full-spectrum cyberspace operations.

Coast Guard Investigative Service (CGIS). The attorney embedded within CGIS assists with critical policy development and investigative service initiatives. In particular, this CG-LII attorney has worked with CGIS leadership to smoothly transition to a new evidence management system and worked closely with Coast Guard and DHS Privacy Officers to ensure appropriate protections are in place. This office provides legal advice across a spectrum that includes policy development, operational initiatives, national-level criminal investigations, and improving sexual assault investigations tactics.

Data Readiness Task Force (DRTF). CG-LII supports the Coast Guard's Chief Data Officer (CDO) and the DRTF, which was chartered by the Vice Commandant in 2020 to shape the future of Coast Guard data management and to leverage the full potential of data as a strategic resource. The DRTF will transition to the Office of Data & Analytics (OD&A) in summer 2022.

Coast Guard Cyber Command Legal Office. In August 2021, the Commandant of the Coast Guard issued the Cyber Strategic Outlook (CSO). The CSO charges CGCYBER with three lines of effort: 1) defending and operating the U.S. Coast Guard Enterprise Mission Platform; 2) protecting the Marine Transportation System (MTS); and 3) operating in and through cyberspace.

Implementing these objectives, CGCYBER attorneys delivered legal advice and support to CGCYBER as it successfully completed a Cybersecurity Service Provider (CSSP) inspection; issued cyber incident response plans and policies; and executed over 14 Cyber Protection Team (CPT) operations assessing MTS network vulnerabilities and searching for malicious cyber activity.

Environmental Law

Coast Guard attorneys advise on the agency's own compliance with environmental planning, restoration and media laws such as the analyses of environmental impacts of deepwater port permits, bridge permits, the acquisition and homeporting of vessels (e.g., Polar Security Cutters and Offshore Patrol Cutters), the transfer of historic lighthouses, the regulation of waterway traffic and the management and cleanup of federal property. Coast Guard attorneys advise on Comprehensive Environmental Response Compensation and Liability Act (CERCLA) cases and minimize future liability related to transactions involving potentially contaminated property.

Environmental Compliance and Enforcement.

The discovery of potential health effects arising from polyfluoroalkyl substances (PFAS) has created concern at DoD and Coast Guard installations, especially those where air operations exist. Coast Guard attorneys have been involved in the formation of policy for addressing possible contamination and dealing with future litigation ramifications.

Coast Guard attorneys provide daily legal support for the Coast Guard's role in processing applications for deep water port licenses, including advice on compliance and Environmental Impact Statement issues. Currently, there are four pending oil port applications and two pending liquefied natural gas port application in house, all for projects in the Gulf of Mexico. This practice area involves dynamic case law on how to evaluate greenhouse gas impacts in the permitting decision.



Pictured: F/V CAPT VINCENT GANN

In April 2018, a report of a diesel oil spill in Pago Pago Harbor, American Samoa, led to Coast Guard "fingerprinting" of the material and contracting with an oil spill response organization to clean up the spill. An estimated 500 gallons of diesel and oil soaked debris was recovered. A Coast Guard Marine Safety Laboratory spill report linked the samples to the CAPT. VINCENT GANN. An expanded MARPOL exam identified potential violations of the Act to Prevent Pollution from Ships, 33 U.S.C. §§ 1901-1915. LCDR Amanda Gavelek, District Fourteen,

served as Special Assistant United States Attorney (SAUSA) when the case was referred to the Department of Justice for civil judicial enforcement. She assisted in negotiating a consent decree assessing a \$720,000 fine and a 3-year environmental compliance plan.

Legal Service Command (LSC) environmental practitioners participate in the Commandant's strategic direction for the Coast Guard to address complex maritime challenges in an environmentally responsible manner. Of note, LSC attorneys are working with Department of Justice (DoJ) and National Oceanic and Atmospheric Administration (NOAA) counterparts in a suit addressing federal authority to regulate traffic separation schemes to protect endangered species. LSC attorneys also support Coast Guard operational commands in nuanced environmental issues such as pre-authorization for oil-spill dispersants and Coast Guard cutter compliance with federal and state air emission requirements.

Maritime Environmental Response. Coast Guard attorneys provide advice on the service's role in oil and hazardous substance spill response under both the Oil Pollution Act (OPA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Recently, this has involved advising Coast Guard leaders engaged in negotiating updates to bilateral agreements with both Canada and Mexico for response to marine pollution incidents. The Coast Guard has these Joint Contingency Plans (JCPs) with all countries with which we share maritime boundaries in order to maintain continued close partnership and ensure optimum bilateral coordinated response to oil or hazardous substance pollution incidents affecting both nations.

The fishing vessel AMERICAN CHALLENGER ran aground in March 2021, in the Greater Farallones National Marine Sanctuary near Tomales Point in Northern California and is adjacent to numerous

sensitive sites. Containing a potential of 9,000 gallons of petroleum products, Eleventh District attorneys advised the Federal On Scene Coordinator (FOSC) and ICP since the vessel's grounding to mitigate the threat of spill. The legal office helped pave the way for the Commandant's vessel destruction approval. This authorization is rarely sought and even more rarely approved, however, in this case it was necessary to mitigate the threat of environmental damage in a highly sensitive political and environmental area.

Maritime Environmental Criminal and Civil Enforcement. As a maritime law enforcement agency, the Coast Guard works hand in hand with the DoJ on the prosecution of environmental crimes. In 2021, Coast Guard attorneys advised on the investigation of seven environmental crimes cases for prosecution by the DoJ. These cases frequently involved the falsification of oil record books to conceal the deliberate discharge of oily wastes and hazardous substances into the sea, and violations of ballast water requirements to stop the spread of non-indigenous invasive species.

The Office of Maritime and International Law's Environmental Law Division supported appellate litigation in one such case in the Third Circuit Court of Appeals. In December 2021, the Third Circuit

proceedings. *United States v. Vastardis*, 19 F.4th 573 (3d Cir. 2021). The opinion also upheld the lawfulness of the Coast Guard's seizure of evidence. The case stemmed from a port State Control exam on the oil tanker EVRIDIKI by the Coast Guard in Lewes, Delaware in March 2019.

The Eleventh District legal office worked closely with Sector San Diego, Coast Guard Investigative Service (CGIS) and the U.S. Attorney's Office for the Southern District of CA, to facilitate the investigation and indictment of crewmembers on board M/V LONGSHORE for bypassing their Oily Water Separator. The prosecution is ongoing.

On 1 October 2021, an underwater oil pipeline operated by Amplify Energy off the coast of Huntington Beach, CA ruptured and began to spill crude oil into a highly populated and popular beach area. Eleventh District legal immediately deployed CDR Wright to advise the FOSC. Following the initial response, Eleventh District attorneys engaged with prosecutors to analyze the law and facts to support their prosecution of Amplify Energy for criminal negligence and worked with Claims and Litigation and DoJ to analyze a lawsuit and determine the Coast Guard's strongest defensive position.

In the fourth quarter of 2021, the Eighth District successfully identified and referred two criminal environmental cases to the DoJ, within two weeks, for prosecution. The two cases involved alleged violations aboard foreign-flagged vessels of the MARPOL Protocol 73/78 (as enacted by the Act to Prevent Pollution from Ships (APPS)), the Clean Water Act (CWA), and the Vessel Incidental Discharge Act (VIDA). Eighth District attorneys reached agreements on numerous security provisions, including the total collection of \$2,500,000 in surety bonds. Eighth District attorneys also provided continuing support to the DoJ on two cases previously referred for prosecution in March of 2021, including specialized research assistance and witness parole support. In May of 2021, two guilty pleas were accepted by the District Court for the Eastern District of Louisiana on these matters, by which a vessel owner/operator admitted to violating APPS and the Ports and Waterways Safety Act, and a Chief Engineer admitted to violating APPS and 18 U.S.C § 1505.



Pictured: oil tanker EVRIDIKI

panel issued an opinion upholding the Chief Engineer defendant's convictions and addressing jurisdictional issues presented by the charges of violating the International Convention for the Prevention of Pollution from Ships (MARPOL) and the Act to Prevent Pollution from Ships, falsifying high-seas Oil Record Book entries in violation of Sarbanes-Oxley Act, and obstructing agency

Federal Prosecution Support

CGJAG attorneys work closely with the Department of Justice (DoJ) on various cases. Districts 5, 7, 8, 9, 11, 14, and 17 provided Special Assistant U.S. Attorney (SAUSA) support to USCG-led criminal investigations. The Coast Guard also has full time SAUSA positions detailed to the DoJ and filled by judge advocates. These judge advocates represent the United States in prosecuting criminal violations of U.S. Law.

A staff attorney from District Eight was sworn as a Special Assistant U.S. Attorney to support the DoJ in a Seaman's Manslaughter investigation against a large oil transportation company. The case has made particular use of staff attorney's Coast Guard inspection and investigation skill sets, as well as a thorough knowledge of Coast Guard regulations. Coast Guard support for this type of case will hopefully lead to more successful prosecutions against negligent companies that put mariners at risk. Additionally, Eighth District attorneys supported the investigation and referral of two other criminal cases involving potential federal criminal offenses, including blatant and repeated Captain of the Port Order and other safety violations by an illegal charter boat operator.

In 2021, the Eleventh District legal office provided case investigation and trial support on over 95 cases involving 355 narco-smugglers prosecuted by U.S. Attorney's Offices and partner nations by providing discovery and case materials to agents and attorneys in support of the prosecutions. LT Mira Serrill-Robins, our Transnational Organized Crime (TCO) specialist, worked with the yeoman staff to marshal resources from across the Coast Guard, providing information and arranging for trial witnesses. Over the past year, LT Serrill-Robins assisted DoJ and foreign partners by coordinating witness prep and travel for 26 trials and hearings, including 13 partner nation prosecutions involving 133 Coast Guard witnesses from 50 different units.

Meanwhile, the Eleventh District Special Assistant to the United States Attorney (SAUSA) supporting the

U.S. Attorney's Office for the Southern District of California in San Diego, LCDR Nicole Bredariol, coordinated Operation Pangueros Locos – an operation targeting the captains of Ecuadoran fishing vessels that serve as logistics supply vessels to drug smugglers – providing fuel, food and water to smugglers as they make their way north. Driven largely by information obtained via wiretaps of satellite phones, this multinational operation yielded US indictments of 30 captains, the arrest of 20 captains by Ecuadoran law enforcement officers and the foreign extradition to the United States of two of the Locos.



Pictured: In October 2021, LCDR Amanda Gavelek was re-sworn as a Special Assistant U.S. Attorney by Ms. Judy Philips, Acting U.S. Attorney for the District of Hawaii.

Maritime and International Law

As the nation's only armed force with domestic law-enforcement authority, the Coast Guard is involved in enforcing federal law in the areas of drug interdiction, immigration, marine environmental protection, marine safety, fisheries, maritime security, and general federal laws applicable at sea. The Office of Maritime and International Law at Coast Guard Headquarters plays a prominent role in the development and implementation of Coast Guard policy in these areas, and in providing real-time advice to Coast Guard operational commanders. The Office of Maritime and International Law also leads Coast Guard efforts in the international legal community as a fully participating member of the U.S. delegation to the International Maritime Organization.

Atlantic Area and Headquarter attorneys advised both operators and legal teams on key authorities to enable CGC THETIS and LEDET 103 on the U.S. Hershel Woody Williams to conduct bilateral agreement operations with West African partners, including Senegal, Cabo Verde, Gambia, and Sierra Leone. These efforts helped facilitate the successful interdiction of a Chinese flagged fishing vessel operating in the Exclusive Economic Zone (EEZ) of Sierra Leone in violation of coastal state regulations and the interdiction of a Brazilian flagged fishing vessel on the high seas resulting in the effective seizure of more than 6,000 kilograms of cocaine.

Atlantic Area attorney's provided key legal support to team planning and executing the CGC HAMILTON's mission to escort new Coast Guard Fast Response Cutters to the Middle East and to conduct military engagement operations within nations in the Mediterranean and Black Sea regions. The attorneys worked with U.S. Navy attorneys on execution of both Title 10 and Title 14 authorities to carry out the successful mission, including security cooperation authorities, search and rescue, use of force, and status of forces protections.



Pictured: CGC HAMILTON

As Legal Advisor to Joint Task Force- East (JTF-E), Atlantic Area attorneys helped JTF-E develop the Eastern Caribbean Regional Campaign Plan which guides DHS components and international partners in coordinating and implementing activities to combat transnational criminal organizations and their activities that lead to U.S. and partner nation borders. The plan facilitates and enables interagency and international engagement in the Eastern Caribbean joint operating area for fiscal years 2022-2026. The plan will enhance understanding of illicit activities and threats, increase intelligence and information sharing, and help coordinate efforts of the U.S. Government and International partners.



Pictured: LCDR Grace Oh serves as the chief negotiator as the United States and Seychellois Governments officially signed a Bilateral Agreement on Countering Illicit Transnational Maritime Activity Operations.

The Eleventh District legal team hosted the summit in December 2021, bringing together 64 law enforcement attorneys and agents from DoJ, DEA, USCG, DoD, OCDETF, HSI, and ICE to share lessons learned and best practices in the interdiction, investigation, and prosecution of maritime criminals.

International Activities

International Maritime Organization (IMO). The IMO is a United Nations specialized agency that is headquartered in London, England, and is responsible for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships. Coast Guard attorneys serve as advisors or representatives of the United States at meetings of various IMO committees such as: the Maritime Safety Committee, the Marine Environment Protection Committee, the Legal Committee, the Subcommittee on Implementation of IMO Instruments, the Subcommittee on Pollution Prevention and Response, the Subcommittee on Human Element, Training and Watchkeeping, the Subcommittee on Navigation, Communications and Search and Rescue, the Subcommittee on Ship Design and Construction and the Meeting of Contracting Parties to the London Convention and London Protocol.

The Office of Maritime and International Law served as counsel to the U.S. delegation to the 76th meeting of the IMO's Marine Environment Protection Committee, which adopted far-reaching new regulation on the carbon intensity of shipping through amendments to the MARPOL Convention. These new regulations will enter into force in 2023 and put into place a rating system for the carbon intensity of each individual ship, calculated based on fuel consumption, vessel size, and miles traveled. The new carbon intensity regulations are unique among IMO regulatory regimes because they will be implemented through flag and port state administered incentive regimes for vessels in the top two ratings. Alongside this system, a parallel technical energy efficiency metric will—though a mandatory, certificate-based regulatory regime—apply incremental increases on vessel energy efficiency. Over time, these regulations will accelerate the phase out of older, less efficient vessel and significantly influence vessel and propulsion design and the marine fuels business internationally. The Coast Guard currently has a rulemaking project underway to implement MARPOL Annex VI in U.S. regulations.

IMO Legal Committee. The Chief of the Office of Maritime and International Law serves as the Head of the U.S. delegation to the Legal Committee.

Support to Foreign Nations. The U.S. Coast Guard supports the development of the legal framework of other countries through Model Maritime Service Code engagements and other training events. Coast Guard attorneys provide support to several nations including Ukraine, Kenya, Costa Rica, Vietnam, Mexico, and Indonesia, among others, in the development of legal authorities for their maritime law enforcement agencies. During these engagements, Coast Guard attorneys identify gaps in existing authorities and assist in drafting legislation, regulations, and policy needed to execute their desired missions. Coast Guard attorneys developed and led training events for foreign Coast Guard officers regarding maritime domain awareness, implementation of whole of government communications, and the implementation of IMO instruments designed to mitigate cyber risk to facilities and vessels. Coast Guard attorneys also assist other nations' prosecutions by facilitating the testimony of Coast Guard law enforcement officers during criminal trials.

Coast Guard attorneys across the country coordinate Coast Guard responses to requests from foreign partners to support their prosecutions pursuant to Mutual Legal Assistance Treaties. This support most often occurs in preparing Coast Guard witnesses and transmitting evidence from Coast Guard boarding operations in support of counter drug and transnational organized crime prosecutions in foreign courts. These efforts have resulted in testimony or support to 10 cases that convicted nine smugglers in foreign courts.

Pictured: CAPT J. Trent Warner, DSJA, LANTAREA, attending the Senior Leader Symposium of USAFRICOM's OBANGAME EXPRESS Exercise in Dakar, Senegal.



Coast Guard attorneys support the government of Ukraine as they develop statutes and regulations for the Ukrainian Coast Guard. Attorneys from the Office of Maritime and International law traveled to Kiev in September 2021 to discuss a comprehensive legal study drafted to assist the Ukrainian Coast Guard in developing expanded authorities as well as creating an interagency coordination framework. The study identified gaps in the law regarding enforcement authorities as well as foundational instruments, along with substantive proposals to strengthen the Ukrainian Coast Guard's mission. U.S. Coast Guard representatives highlighted twelve focus areas, explored potential recommendations, and collaboratively discussed next steps for each substantive topic. The September 2021 engagement - the third in three years in Ukraine involving the Ukrainian Coast Guard and U.S. Coast Guard - was marked by thoughtful engagement, active participation by subject matter experts, and candor.



Pictured: Mr. Brian Wilson, Deputy Director of the Global Maritime Operational Threat Response Coordination Center and CDR Joel Coito, Chief of Prevention law, brief Ukrainian Coast Guard JAG counterparts.

Ninth District attorneys provided key support to the 2021 Canada-U.S. Law Institute Conference, continuing to foster critical bi-national linkages between legal, political, and academic professionals in Canada and the United States.

Atlantic Area attorneys continued to support the Coast Guard's International Port Security (IPS) program's efforts to assess and improve security in foreign ports consistent with obligations under the International Ship and Port Security Code (ISPS Code) of SOLAS. This effort included the review and editing of draft foreign maritime port security law and regulations for a partner nation in the Pacific.

Currently, the United States has 11 Bilateral/Shiprider agreements with western and central pacific countries. The United States is also a member of the Western and Central Pacific Fisheries Commission (WCPFC), which allows the Coast Guard to conduct boardings on vessels that are engaged in fisheries on the high seas if the vessel's flag state is also a member of the Commission. There are currently 26 participating countries including the European Union and seven participating territories. Throughout the year, the Fourteenth District Fourteen conducted several Illegal, Unregulated, and Unreported (IUU) Fisheries patrols and acted as a force multiplier for IUU fishing enforcement, the USN and USMC provide support to the mission.

Arctic Developments. Coast Guard attorneys have been actively engaged in issues involving expansion of commercial maritime transportation along the Arctic border. As part of the United States delegation to the Arctic Council, Coast Guard attorneys advised Coast Guard leadership on Law of the Sea matters concerning emerging shipping areas, as well as the Arctic Council's Protection of the Arctic Marine Environment (PAME) Working Group initiatives, including implementation of the Arctic Marine Shipping Assessment and review/advice for the Arctic Ocean Review and the Emergency Prevention Preparedness and Response (EPPR) Working Group initiatives, and the EPPR Field Guide for Oil Spill Response in the Arctic.

Legal Assistance and Defense Services (CG-LAD) and Member Advocacy (CG-LMA)

The Judge Advocate General is responsible for providing various legal services directly to Coast Guard members and eligible beneficiaries. These services include providing: advice and representation to victims of sexual assaults perpetrated by members of the Coast Guard; advice and representation to members facing separation from the Coast Guard due to physical disabilities; advice and representation to members facing punishment under the Uniform Code of Military Justice or adverse administrative proceedings generated by the Coast Guard; and legal assistance to members and eligible dependents relating to personal civil matters. These functions are provided by the offices of CG-LAD and CG-LMA.

The Judge Advocate General is responsible for providing various legal services to Coast Guard members and eligible beneficiaries.

Member Advocacy. The Office of Member Advocacy is responsible for the Special Victims' Counsel Program and oversees Disability Evaluation System counsel.

Special Victims' Counsel (SVC). With approximately 180 active cases, the SVC Program continues to provide legal advice and representation to active-duty members, reservists, dependents, and civilian victims of sexual assault. SVC represent victims of sexual offenses, appearing on their behalf at courts-martial, and in post-trial and appellate proceedings.

Pictured: Members from D14 including LCDR Amanda Gavelek, Mr. Salvador Tinajero "TJ", and YNC Angela Medina participated in Sexual Assault Awareness & Prevention Month by wearing service dress blues or a teal colored shirt



SVC also provides a high volume of formal and informal training to Coast Guard members and stakeholders on victims' legal rights, the role of SVC, the military justice process, and the Sexual Assault Prevention, Response, and Recovery policy.

In the past year, SVCs have attended multiple training events, several national-level conferences and trainings, and held an SVC Training Symposium at Base Seattle, Washington in September, 2021. In

addition, this past year the Coast Guard cross-trained SVC in disability law.

The Coast Guard has thirteen full-time SVC across offices in Seattle, WA; Alameda, CA; Cleveland, OH; Washington, DC; and the CG Academy in New London, CT. An office in Miami Florida will open in July 2022.

Disability Attorneys. Member Advocacy Division attorneys also represent ill and injured Coast Guard members throughout every stage of the service's Disability Evaluation System process, representing the individual (rather than the Coast Guard) as they either medically separate or return to duty.

During this period, four primary disability attorneys and 8 collateral duty disability attorneys represented over 275 Coast Guard members facing disability evaluation and possible medical separation or retirement. Disability Attorneys help clients make informed decisions that will have dramatic effects on the members' careers and finances. Attorneys advocate for their clients before informal and formal boards, as well as throughout the administrative appeal process, ensuring that members are afforded their right to due process, and that the Coast Guard's actions comply with applicable federal statutes and Department of Veterans Affairs (VA) regulations.

The Coast Guard continues to work towards using the Integrated Disability Evaluation System (IDES) and commenced "IDES Pilot 2.0." under the supervision of the VA. Member Advocacy Division attorneys are working closely with the Coast Guard Personnel Service Center to guide the service through a successful pilot program, with the goals of reducing the total amount of time that a member is in the Disability Evaluation System and receive a clear picture of their USCG and VA disability compensation before separation from the service.

Defense Services. The Defense Services Division is responsible for providing defense services across

the Coast Guard to members facing courts-martial and adverse administrative processes. This office oversees the Coast Guard and Navy Memorandum of Understanding on Mutual Support in Military Justice Matters. Through the cross-service agreement, in 2021, the Defense Services Division coordinated representation for Coast Guard members at 30 courts-martial and 17 administrative hearings. Currently, the Coast Guard has eight judge advocates embedded in six Navy Defense Service Offices. These Coast Guard judge advocates specifically provided legal advice to over 450 service members in the Coast Guard, Navy, and Marine Corps, and represented clients at 55 courts-martial and 18 administrative hearings. This division also provided service to members seeking advice and guidance on the COVID-19 vaccination mandates. These judge advocates ensured that service members understood the ramifications for refusing the vaccine, and were aware of the process to seek religious and medical accommodations.

Additionally, two judge advocates are appellate defense counsel. In 2021, the Coast Guard Appellate Defenders represented 14 members

Pictured: Coast Guard Attorney pictured with their assigned DSO office.



before the Navy and Coast Guard Clemency and Parole Boards, the Navy-Marine Corps Court of Criminal Appeals, the Coast Guard Court of Criminal Appeals, and the Court of Appeals for the Armed Forces. Their advocacy resulted in one criminal conviction being dismissed with prejudice, the findings and sentence in another case being set aside resulting in significant back pay and allowances, and a service member's bad conduct discharge being upgraded pursuant to the Commandant of the Coast Guard's clemency powers.

Legal Assistance. During this period, 15 civilian and active duty legal assistance attorneys provided counsel to over 5,500 clients, helping them with estate planning, family law, consumer law, and

numerous other civil law issues. Recent changes in the law, particularly in the areas of assisting victims of domestic violence and base housing tenant issues, has had an impact on the Coast Guard Legal Assistance practice and the type of cases addressed by the legal assistance attorneys.

In September 2021, 11 active duty and reserve JAGs deployed over a period of weeks in response to Hurricane Ida, one of the most devastating storms in history. The attorneys were able to assist over 300 clients with significant matters such as insurance claims, habitability of rental property and evacuation issues.

Mr. Richard Harris, stationed in District 17 in Juneau, AK was awarded the ABA Distinguished Service Award during this period. His expertise in AK law has empowered him to pursue novel issues facing our members through broader representation in court under the Expanded Legal Assistance Program (ELAP). His advocacy for our members in trial and appellate courts has helped individual members as well as set favorable precedents for all military service members serving in Alaska.

Over the last year, the Eleventh District Legal Assistance Team led by Ms. Belinda Alcantara provided legal assistance to over 600 eligible clients (again) in matters relating to estate planning, landlord-tenant disputes, immigration, SCRA & MSRRA, family law, insurance claims, and other consumer/civil issues. Additionally, she provided invaluable outreach via a legal assistance newsletter to Base Alameda and Eleventh District remote units regarding federal, state and local pandemic relief, including personal tax benefits, and other legal issues, involving evictions and other tricky landlord/tenant issues that evolved during the COVID eviction moratorium.

The Thirteenth District Legal Assistance attorney and paralegal, Ms. Elizabeth Kandiew and Ms. Jayme Palette, traveled throughout the District 13 AOR providing exceptional support to 350 Coast Guard members assisting them with over 390 legal matters. In addition, produced over 650 legal documents ranging from wills, powers-of-attorney, community property agreements, and military pay orders.

During this period, the Eighth Coast Guard District Legal Assistance Office processed over 350 new matters, assisting Coast Guard members throughout the 26 states covered by the Eighth District.

Military Justice

As an armed force, members of the Coast Guard are subject to the Uniform Code of Military Justice. Coast Guard judge advocates serve as prosecutors, defense counsel, and special victims' counsel for courts-martial, and as military judges. Judge advocates assigned as appellate government and defense counsel brief and argue cases before the Coast Guard Court of Criminal Appeals (CGCCA), the Court of Appeals for the Armed Forces (CAAF), and the U.S. Supreme Court. Coast Guard attorneys at field offices serve as Staff Judge Advocates (SJAs) providing advice on military criminal matters to field commanders.

Office of the Chief Prosecutor. The National Defense Authorization Act for Fiscal Year 2022 mandated significant changes in the administration of military justice. The changes include appointment of Special Trial Counsel who will decide the disposition of enumerated offenses and prosecute them. Implementation in the Coast Guard includes the appointment of a rear admiral (lower half) to serve as the Coast Guard's Chief Prosecutor and be responsible for the prosecution of all courts-martial in the Coast Guard. The Chief Prosecutor will serve a role similar to the lead Special Trial Counsel in the other armed services. Coast Guard trial services are already centralized in the Legal Service Command (LSC). These will move under the Chief Prosecutor and, with additional personnel, become the Office of the Chief Prosecutor. The Coast Guard will select the first Chief Prosecutor in August 2022 and the Office of the Chief Prosecutor will reach initial operating capability in 2023.

Trial Judiciary. The Coast Guard trial judiciary consists of three full-time military judges and several collateral judges performing general and special courts-martial cases. During this period, RJAG CAPT Diane Croff served as a full-time military judge in support a personal gap.



Pictured: Coast Guard Judges attend the Joint Military Judge Annual Training (JMJAT)

Appellate Judiciary. The Coast Guard Court of Criminal Appeals (CGCCA) consists of nine members, including two full time civilian judges. The Court reviews cases on direct, appeals by the Government, as well as extraordinary writs.

Office of Military Justice. Military Justice Policy and expertise is developed at Coast Guard

Headquarters in the Office of Military Justice. This office aids and trains the judge advocates in the field. It also works extensively with the Department of Defense and the other Services to develop and execute military justice initiatives.

Staff Judge Advocates (SJAs). Coast Guard attorneys at field offices serve as Staff Judge Advocates (SJAs) providing advice on military criminal matters to field commanders. These SJAs are located at the Coast Guard's Pacific Area (PACAREA) and Atlantic Area (LANTAREA); its nine District Offices; three Training Centers; the Coast Guard Academy; and the Coast Guard's Cyber Command.

Trial Defense Services. The Coast Guard provides seven judge advocates to the Navy Defense Service Offices located throughout the U.S. who represent both Coast Guard and Navy members. In return, Navy judge advocates represent some accused Coast Guard members in courts-martial proceedings.

Appellate Services. Judge advocates assigned as appellate government and defense counsel brief and argue cases before the Coast Guard Court of Criminal Appeals (CGCCA), the Court of Appeals for the Armed Forces (CAAF), and the U.S. Supreme Court.

Legal Service Command (LSC). The LSC is the only unit where judge advocates serve full-time as trial counsel prosecuting courts-martial for the entire Coast Guard. There are fourteen dedicated trial counsel, including a Chief of Military Justice, and two branch chief positions in both Norfolk and Alameda, as well as four senior trial counsel. The LSC is responsible for providing counsel for all felony level courts-martial involving serious misconduct and it provides assistance to other field legal offices from investigation and case evaluation through post-trial actions.

Area and District Legal Offices. Area and District Legal Offices continue to provide comprehensive

legal advice to Court Martial Convening Authorities and coordinate with the LSC on cases. Those offices also continue to prosecute or support General

Courts-Martial (GCM), Special Courts-Martial (SPCM), and Summary Courts-Martial (SCM).

During this past year, Coast Guard attorneys handled a variety of cases, including homicide, maltreatment, drugs, sexual assault, theft, simple assault, and dereliction of duty. This chart shows the number of Coast Guard courts-martial which took place during the past 7 fiscal years.

COURTS-MARTIAL (BY FISCAL YEAR)							
	2020	2019	2018	2017	2016	2015	2014
General Courts-Martial	4	6	8	13	18	17	23
Special Courts-Martial	8	8	15	21	15	17	22
Summary Courts-Martial	12	19	9	14	22	18	22
Total Courts-Martial	24	33	32	48	55	52	67

United States v. Hinton: BMC Hinton was charged with lying to investigators, possessing and viewing child pornography, and indecent language. In October 2020, pursuant to a plea agreement, he pled guilty before a general court-martial to 2 specifications of Article 134 (child pornography, possessing or receiving or viewing). The sentence adjudged in the case was 5 months of confinement, Bad Conduct Discharge, and reduction to E-3.

United States v. Price: CWO Price was charged with sexual abuse of a child involving sexual contact, conduct unbecoming an officer and possessing child pornography. In March 2021, pursuant to a plea agreement, CWO Price was sentenced to 54 months of confinement and discharged from the Service.

United States v. Brzyski: MK2 Brzyski was charged with indecent recording for recording the female berthing area about a CG cutter. Pursuant to a plea agreement, MK2 Brzyski pled guilty at special court-martial to all charges. MK2 Brzyski was sentence to 10 months of confinement, a Bad Conduct Discharge, and reduction to E-1.

United States v. Grijalva: MK3 Grijalva was charged with making false official statements, obstructing

justice, wire fraud, identity theft, computer theft. In November 2021, MK3 Grijalva was found guilty at general court-martial by a panel of enlisted and officers of false official statements, obstructing justice, and five of six specification of fraud. MK3 Grijalva was sentenced to 3 months of confinement, a Bad Conduct Discharge, and reduction to E-3.

United States v. Richard: YN2 Richard was charged with obstructing justice and murdering her infant daughter. In January 2022, YN2 Richard was found guilty at general court-martial by a panel of enlisted and officers of manslaughter. YN2 Richard was sentenced to 6 years of confinement and a Dishonorable Discharge.

United States v. James: GM3 James was charged with multiple specifications of possession and distributing child pornography. In January 2022, pursuant to a plea agreement, GM3 James pled guilty to all charges at general court-martial. GM3 James was sentenced to 6 years confinement and a Dishonorable Discharge.

Prevention Law

The CGJAG prevention law team is responsible for supporting commands in the prevention of personnel casualties and property losses, minimizing security risks, and protecting the marine environment. These attorneys will also work with policy to create and support international and domestic legal frameworks for preventing, preparing, and responding to incidents.

Vessel Safety. Coast Guard attorneys routinely assist with the development and implementation of vessel safety standards. Coast Guard attorneys are instrumental in advising the Coast Guard's Assistant Commandant for Prevention Policy, which is dedicated to reviewing and revising existing policy, as well as developing new oversight procedures to ensure vessels and facilities inspected by the Coast Guard and by recognized organizations meet inspection standards. Greater effectiveness and efficiencies are achieved by new national policies that permit Coast Guard inspectors to use portable and remote digital technology, utilize risk-based decision-making in the selection of vessels to inspect, harmonize decisions between Coast Guard inspection zones, institute uniform standards for vessels being temporarily taken out of service by their owners, and implement a stronger quality control process over recognized organizations and third-party organizations that inspect vessels on behalf of the Coast Guard.

With the arrival in the marketplace of remote and autonomous technologies aboard vessels ranging from discrete remote navigation packages to completely autonomous vessels, the Coast Guard has initiated a Request for Information to solicit input from the public on the impact autonomous systems will have on domestic laws and regulations to include collision avoidance regulations, engineering and navigation system requirements, and safe manning requirements. Coast Guard attorneys are involved in policy development to ensure these rapidly evolving technological innovations meet navigation and safety requirements.

Ensuring states follow the newest recreational boating safety standards is also a top priority. Coast Guard attorneys work with state recreational boating safety liaisons to ensure states follow federal law. Furthermore, with respect to passenger vessel inspection and licensing requirements, many legal offices, particularly District Seven in Miami, Florida, District Nine in Cleveland, Ohio, and District Eleven in Alameda, California work closely with Coast Guard Investigative Service (CGIS), state

Departments of Natural Resources, and United States Attorney's Offices to hold individuals and entities accountable for conducting illegal passenger charters. Illegal charters pose a significant safety hazard to the public and have an adverse economic impact on legitimate commercial passenger vessel owners. The number of vessels operating illegally has increased dramatically in the last several years due to the advent of online booking companies.

Illegal Passenger Operations. Coast Guard COTPs and Officers in Charge, Marine Inspection (OCMIs) regulate large numbers of uninspected and small passenger vessels. Some vessel operators have taken to avoiding regulatory oversight by exploiting statutory exceptions. Specifically, operators are exploiting charter exceptions related to passenger carriage limits. (See 46 U.S.C. § 2101, *et seq*) District attorneys advise COTPs and CGIS on enforcement and prosecution efforts of operators who engage in illegal passenger operations by entering into invalid charter agreements with passengers. District attorneys also advise on the issuance of COTP Orders, Civil Penalties, and 4100 Boardings through the VCCC process, and refer cases to the DoJ for prosecution.

U.S. v. Coquelet – This case involves the violation of an Order issued by the District Commander due to the vessel's illegal passenger operations that spanned the Key West and Miami COTP zones. The defendant was sentenced in Fort Lauderdale to 5 years' probation, a \$4,000 fine and, as a special condition of probation, is barred from "owning, operating, or managing any commercial vessel operation."

Outer Continental Shelf Safety Issues. Coast Guard attorneys routinely provide legal support to develop innovative solutions to address the safety challenges caused by quickly evolving technology on the Outer Continental Shelf (OCS). The Coast Guard reviews and revises policies and inter-agency Memoranda of Agreement to more efficiently coordinate with regulatory partner agencies.

The Coast Guard advises on proposed legislation involving citizenship and manning requirements for individuals employed in the offshore industry. Legal advice is regularly provided to aid the regulatory evaluation of new and novel designs for offshore units and equipment.

District Eight attorneys worked closely with the Outer Continental Shelf OCMI to devise a suitable replacement certification that serves the proper regulatory purpose while complying with the Paperwork Reduction Act. Additionally, they advised on several high profile administrative appeals for both vessels and facilities, assisting in the interpretation of Coast Guard regulations regarding “freight for hire,” and TWIC redesignations, as well as statutory interpretations regarding “public vessels.”

Coast Guard attorneys additionally advised Headquarters program offices on issuing field guidance to determine whether a floating offshore facility is a vessel or not. This guidance includes manning and credentialing policies concerning personnel serving on floating offshore facilities.

Mariner Credentialing and Manning Issues.

There are approximately 200,000 active holders of Merchant Mariner Credentials (MMCs) issued by the Coast Guard. Coast Guard attorneys are active in assisting numerous program elements in establishing and modifying the arrangements at testing facilities and maritime academies, and the standards required of those serving aboard U.S. documented vessels. This includes the drafting of legislation, regulations and interpretive rules, and providing comments and drafting assistance on Congressional legislative proposals. Attorneys are also active in providing responses to queries from Congress, industry and the public regarding the interpretation, and application of existing law and regulations.

Recently attorneys provided guidance to the National Maritime Center (NMC) in Martinsburg, West Virginia on how to move forward with

transitioning the record keeping and application processes for MMCs into the digital age. Attorneys needed to approve of a method that permitted digital applications while also upholding evidentiary standards that are used in Suspension and Revocation hearings. These efforts will help pave the way for future MMC applications to be less burdensome to the public by allowing them to fill out and submit them online.

Suspension & Revocation (S&R). When the Coast Guard learns that an MMC holder has committed an offense that would warrant suspension or revocation of his or her MMC, an administrative enforcement proceeding conducted under 46 C.F.R. Part 5 and 33 C.F.R. Part 20 may be initiated. Offenses that prompt the Coast Guard to pursue S&R include drug use, security risks, convictions covered by the National Driver Register Act and other criminal convictions, misconduct, negligence, and professional or medical incompetence. During the investigation of an S&R offense, Coast Guard attorneys advise Investigating Officers (IOs) regarding the collection of evidence, parameters for witness interviews, and communication with attorneys representing parties or witnesses. Approximately 500 S&R Complaints are issued each year, and every Complaint is reviewed by a Coast Guard attorney for legal sufficiency before it is filed. If a mariner that is subject to an S&R proceeding requests a hearing before an ALJ, a Coast Guard attorney represents the agency throughout the process.

Recently, Coast Guard active and reserve attorneys have provided assistance to the Mariner Credentialing Fraud Task Force (MCF TF). The MCF TF was established to conduct a forensic analysis of mariners’ records and exercise Coast Guard legal authorities to hold merchant mariners accountable for suspected fraudulent acts. To date, these efforts have resulted in 31 criminal indictments, 21 criminal convictions, and over 250 administrative actions taken against MMCs. The MCF TF efforts are ongoing.

S&R Historical and Predicted Enforcement Activity

CALENDAR YEAR	DOCKETED CASES	HEARINGS	APPEALS
2009	541	13	4
2010	600	14	7
2011	593	17	5
2012	558	12	5
2013	489	24	1
2014	480	17	1
2015	392	14	3
2016	399	10	4
2017	397	10	3
2018	470	15	4
2019	531	17	5
2020	357	6	8
2021	817	14	4

Cyber Risk in the Maritime Community. Coast Guard attorneys have worked extensively to support the Coast Guard's effort to develop policy, standards, and regulations for appropriately addressing cyber risks in the maritime community. The Coast Guard has published guidance to assist facilities regulated under the Maritime Transportation Security Act in the implementation of cyber security measures that will meet existing facility security plan requirements. The Coast Guard is in the process of developing similar guidance for vessels, and in February of 2021 updated guidance on assessing cyber risk protection in a vessel's safety management system to ensure the Marine Transportation System is protected from a cyber incident. Coast Guard attorneys also participated in multiple interagency cyber incident response exercises, assisting in a whole of government approach to cybersecurity that involves both state and federal agencies.

Vessel Documentation. Coast Guard attorneys continue to provide guidance in determining the appropriate federal or state documentation required to operate vessels in certain trades and serve as evidence of vessel nationality. The Coast Guard is responsible for issuing coastwise and fishery endorsements to commercial vessels seeking to engage in coastwise trade. Coast Guard attorneys liaise with state officials to correct the issue of vessels operating overseas with invalid state registration. This recently resulted in states implementing a new system which made third party documentation service companies more liable for verifying the information of new applicants. This helps reduce the potential for fraud within the system.

Green Energy and Offshore Wind. Coast Guard attorneys have worked closely with the Department of Interior to address legal issues associated with licensing offshore windfarms. The Coast Guard offers expertise on the impact proposed offshore wind projects might have on the safety of navigation, the traditional uses of a given waterway, and the Coast Guard's ability to conduct missions within and around new windfarms.

Coast Guard attorneys work to ensure the increased use of Offshore Supply Vessels which support Offshore Wind projects can continue to be operated safely. This includes ensuring passenger count rules are properly understood and updating international

law to ensure burdensome passenger vessel requirements are not applied to individuals who work in the marine environment. These efforts help reduce the cost of Offshore Wind projects and help uphold our country's effort to transition to renewable energy.

Marine Casualties & Investigations. Coast Guard attorneys regularly provide legal support for marine incidents investigations, including working closely with counterparts at the National Transportation Safety Board (NTSB) on a number of casualties and initiatives. The Marine Board of Investigation (MBI) is the highest level of marine casualty investigation, convened by the Commandant. The purpose of these investigations is to determine the cause of the incident and provide safety recommendations to prevent similar casualties in the future. Coast Guard attorneys act as legal advisors for the investigators throughout an investigation.

The Eighth District has the highest number of major marine casualties in the Coast Guard due to large quantity of cargo transiting in area of responsibility, and marine casualty investigation support is a significant practice area. During marine casualty responses and investigations, Eighth District attorneys support the Search and Rescue (SAR) controller or marine casualty investigation team for next of kin notification and preparation of Letters of Presumed Death or other similar documents, which are sometimes necessary for family members to obtain state death certificates when an individual is not recovered. They also advise field investigators on Party In Interest rights and public release of information. Eighth District attorneys supported the incident response and subsequent formal marine casualty investigation of the SEACOR POWER, a liftboat that capsized in the Gulf of Mexico in April 2021, resulting in significant loss of life. Eighth District attorneys embedded in the Incident Command Post during the response to advise the command staff and ensure proper retention of key records, and also deployed with the joint National Transportation Safety Board/Coast Guard investigation team, to advise the investigators, assist with public inquiries and records requests under the Freedom of Information Act, and represent Coast Guard members appearing as witnesses. This expertise also resulted in an Eighth District attorney being assigned to perform the Major Incident Investigation into the \$200,000 damage that occurred to the CGC EDGAR CULBERTSON.

Thirteenth District attorneys advised on a marine casualty investigation involving the capsizing of the commercial fishing vessel COASTAL REIGN. In February 2021 the 38-foot, 16 gross ton, COASTAL REIGN attempted to cross the Tillamook Bay Bar loaded with 4,000lbs of crab onboard and found itself over the submerged portion of the south jetty. The COASTAL REIGN capsized leading to the death of two crewmembers onboard. The investigation found several causes including actions of the owner/operator, crew's lack of rest, and inherently dangerous conditions crossing the Tillamook Bay bar.



Pictured: Commercial Fishing Vessel COASTAL REIGN

Coast Guard attorneys continue to advise the Pacific Area Commander on the investigation into the Pipeline P00547 oil spill, which occurred in October 2021. A pipeline off the coast of California fractured, resulting in a spill of over 24,600 gallons of oil into San Pedro Bay. The investigation has required coordination with the NTSB, the Bureau of Safety and Environmental Enforcement, the Pipeline Hazardous Materials Safety Administration, and the California Department of Fish and Wildlife.



Pictured: Coast Guard investigators and attorneys, including an attorney from the NTSB, ride on a Coast Guard small boat to board a vessel of interest in the oil spill

Space Operations

Increased space operations in the Seventh District have posed numerous complex challenges to the Coast Guard Commanders operating under statutory authorities pursuant to their positions as Captains of the Port and Officers In Charge, Marine Inspections (OCMI). In the last several years, space operations in the U.S. have nearly tripled from 20 launches in 2018 to 65 in 2021, and that number is only expected to increase. The vast majority of space operations occur in the Seventh District AOR – particularly in Cape Canaveral. Major legal issues related to space operations include the OCMI's regulation of autonomous and remotely operated space support vessels and the establishment of limited access areas within (and beyond) U.S. TTS to ensure the safety of space missions and waterway users. Commercial space operators are using remote operated vessels for the recovery of booster rockets and capsules to carry space crew and cargo. Remote operations pose many unique challenges to OCMI oversight of space support vessels, particularly related to the manning, navigation, and vessel safety. To address these issues, District Seven judge advocates spearheaded two Space Conclaves to address the complex statutory and regulatory challenges related to space operations.

Eighth District attorneys played a key role in the continuing development of federal regulations to meet the growing commercial space industry in the Gulf of Mexico and in our area of responsibility, including the SpaceX facility in Boca Chica, Texas, and the construction and modification of vessels planned to be used for space operations. This includes an offshore platform that is to be converted for offshore launches. District Eight attorneys have worked closely with counterparts at the Seventh District, Atlantic Area, and Headquarters to identify appropriate authorities the Coast Guard can use to promote maritime safety during launches and recovery, and have advised local units in the areas of Prevention Law to ensure the correct application of maritime safety law. Eighth District attorneys have also been heavily involved in the environmental review process for the permitting of the SpaceX Super Heavy Rocket.

Attorneys from Atlantic Area, Coast Guard Headquarters and the Districts helped oversee the

development and review of an updated blanket template for letters of intent to meet Federal Aviation Administrative (FAA) regulation requiring commercial space enterprise to enter into an agreement with the Coast Guard. This effort helped to standardize the Coast Guard's efforts to meet interagency requirements to protect the maritime domain without exceeding legal authority.

Atlantic Area attorneys also reviewed an interagency agreement designed to manage the reimbursement of the provision of Coast Guard assets and services that support NASA sponsored astronaut operations

within the maritime domain. Additionally, Atlantic Area attorney along with HQ, District 7, and District 8 worked on drafting blanket letters of intent and facilitating its implementation.

Coast Guard attorneys coordinated with Headquarters, the District, and Area staff to implement policy for establishing a two-year pilot program for safety zones beyond 12 nautical miles relating to space launches and recoveries. As a result, the Seventh District established the first safety zones in the Exclusive Economic Zone to address space activities.

Response Law

Attorneys in the Response Law Division (RLD) provide around the clock support to seven of the eleven Coast Guard missions. Duty attorneys provide real time legal advice on Coast Guard authorities, jurisdiction in the complex maritime environment, and develop cases for prosecution. RLD attorneys serve as Coast Guard representatives to the Maritime Operational Threat Response Plan and aid in developing a coordinated interagency response to maritime cases. To further support Coast Guard operations, several Coast Guard attorneys serve as full-time Special Assistant U.S. Attorneys in key areas around the United States. Additionally, attorneys at field units stand rotational duty schedules to provide around the clock support to Operational Commanders and units throughout their area of responsibility.

During this period, RLD promulgated a new edition of the Fast Action Reference Materials (FARM), an internal publication of relevant statutes, agreements, policies, and guidance relating to Coast Guard operations that used by operational legal advisors across the service.

Drug Interdiction. During this period, RLD attorneys advised on and coordinated interagency actions on 258 maritime counterdrug cases. In coordination with the DOS and DoJ, RLD duty attorneys prepare diplomatic correspondence to board vessels under the 1988 U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, waivers of jurisdiction to prosecute foreign vessels, and certifications of U.S. jurisdiction under the Maritime Drug Law Enforcement Act. During this period, RLD attorneys coordinated the referral of 635 suspected smugglers to the United States or partner nations for criminal prosecution and worked closely with U.S. Attorney's Offices and the DoJ to support these prosecutions, including researching and assisting in responses to defense challenges. These efforts contributed to the removal of nearly 174 metric tons of cocaine from suspect vessels during this period, denying transnational criminal organizations an estimate \$7.23 billion in illicit profits.

RLD attorneys worked with interagency partners to resolve complex counterdrug cases, balancing operational, diplomatic, legal, and other concerns.

Eleventh Coast Guard District attorneys provided around-the-clock, real-time legal support to Coast Guard operators combating international drug trafficking on over 100 at-sea interdictions. These interdictions yielded 244 narcotics smuggling detainees, 474 migrant cases and cocaine worth almost \$4billion on the street. D11 also supported efforts to build partner nation capacity and prosecution competency, especially in countries that

recently transitioned to accusatorial legal systems. Via the North American Maritime Security Initiative (NAMSI), a tri-national effort between the US, Canada and Mexico to improve operational coordination, LT Serrill-Robins, who chaired the legal working group, worked with Mexican Navy (SEMAR) attorneys to advance a shipboard observer program that will strengthen communications and enhance joint operations between the Coast Guard and SEMAR. Finally, to ensure CG boarding teams produce effective case packages, D11 attorneys trained 30+ units deploying to the East-Pac on best practices in evidence collection and case package preparation.



Pictured: Seventh Coast Guard District Legal staff has made vast strides in enhancing and facilitating interagency teamwork through creating working groups and immersive professional exchanges, as well as clarifying interagency policies.

Alien Migrant Interdiction. RLD and field attorneys, particularly in the Seventh Coast Guard District, advised operational commanders on the authority and jurisdiction for these operations and aided in interagency coordination to repatriate migrants to their country of origin or departure. As with other mission areas, the pandemic continued to require Coast Guard attorneys to work closely with other agencies and countries of origin to ensure the continued safe and speedy repatriation of migrants interdicted at sea under. During this period, overlapping crises in several Caribbean states led to an increase in maritime migration ventures. The

Coast Guard interdicted more than 3,535 migrants at sea over the course of the year.

U.S. v. Reyes-Gonzalez & U.S. v. Santana-Mendez – These cases were the result of two separate Coast Guard migrant interdictions in the Mona Pass. They highlight a troubling pattern of assaults against Coast Guard officers by increasing desperate migrants that underscores the dangerousness of the AMIO mission. Defendants in separate cases were charged with 18 U.S.C. § 111 for assaulting a federal officer by biting them on their torsos. The victims were Coast Guard watchstanders that were bit during rowdy migrant incidents onboard the cutter. Reyes received five months and Santana received two and a half months (time served). The circumstances of both cases were unique, in favor for the defendants; the lower nature of the sentences aligned with the desires of the victims and remorse of both defendants. If the injuries had been more severe, the victims less forgiving, or the defendants less remorseful, the sentences could have been around 15-27 months. Importantly, the defendants acquired felony records that will prevent them from reentering the U.S. and deter further illegal immigration.

U.S. v. Crespo-Marquez – The Seventh Coast Guard District Legal staff, in support of the SDPL, assisted in the litigation of a complex migrant smuggling case involving three vessels: the migrant transport, a resupply vessel, and a decoy vessel. Three Coast Guard patrol boats pursued the three smuggling boats when the vessels failed to comply with orders to heave to. Defendant Crespo-Marquez plead guilty for his role in the smuggling but fled before his sentencing hearing. After more than a decade as a fugitive from justice, the defendant was apprehended and returned to Miami, where he was sentenced to 151 months' imprisonment.

In *United States vs. Roberts*, 21-cr-60182, the defendant, a United States citizen, piloted a 26 foot center console, carrying at least 11 foreign nationals, from the Bahamas to Hillsborough Inlet, Florida. Roberts was pursued by a Sheriff's vessel as he entered the inlet and ultimately collided with a seawall. Roberts and several aliens fled to a waiting get-away van, but the remaining 11 aliens were apprehended by law enforcement. Roberts' collision with the sea wall and flight was captured on security cameras and Roberts was caught days later onboard another boat. Two of the aliens were deposed as material witnesses and Roberts' cell phone contained a selfie-style video of Roberts

piloting the boat with the aliens onboard. Roberts, who had a previous conviction for smuggling aliens from the Bahamas to South Florida, pleaded guilty to encouraging and inducing an alien to enter the United States and permitting an aggravated felon to enter the United States. Roberts was sentenced to 78 months incarceration.

Defense Readiness. RLD attorneys advised headquarters staffs on missions which support the National Military Strategy and Department of Defense (DOD) operations, including the Coast Guard's unique status as both an armed force and a law enforcement agency. Because of the Coast Guard's unique role as a Title 14 force, RLD attorneys play a key role in advising on the Coast Guard's defense readiness capabilities and authorities in relation to the DOD. During this period, RLD attorneys provided legal advice related to the status of Coast Guard aircraft under international law and the statutory framework for the Coast Guard's rotary wing air intercept mission.

Living Marine Resources. RLD attorneys provide legal advice and interagency coordination for enforcement of international fisheries issues, such as incursions of foreign fishing vessels into U.S. waters, conducting Western and Central Pacific Fisheries Commission inspections, and enforcement of the United Nations global moratorium on High Seas Drift Net Fishing to advance national goals for the conservation, management, and recovery of living marine resources, marine protected species, and conservation areas. Coast Guard attorneys also advise on Coast Guard policies to enforce the Magnuson-Stevens Fisheries Conservation and Management Act and Lacey Act, international ocean governance structures.

The Coast Guard works with NOAA and other law enforcement partners to combat illegal fishing incursions into the U.S. Exclusive Economic Zone (EEZ) by Mexican lanchas. RLD attorneys support these efforts by coordinating the law enforcement action and disposition of these cases, and provided legal guidance on donating catch seized from these lanchas.

The Eighth District's largest response law issue is enforcement of domestic fishery law on the maritime boundary between the United States and Mexico. During this period, the Eighth District attorneys provided real time legal advice that contributed to the seizure of illegal catch in 78 cases involving Mexican

“lanchas” involved in Illegal, Unreported, and Unregulated (IUU) fishing. District Eight also successfully referred two criminal cases against lancha operators who failed to heave to for a Coast Guard boarding.

The First District’s primary law enforcement mission continues to be the enforcement of applicable laws and regulations in the commercial fishing fleet. Similar to other operations, the COVID-19 pandemic presented risks to both the Coast Guard’s law enforcement officers conducting operations aboard U.S. flagged commercial fishing vessels (CFV’s) and for the fishermen themselves. The First District attorneys helped craft appropriate protocols for mitigating these risks to ensure the continued enforcement of the living marine resources within the area of operations.

Additionally, the First District documented a noticeable increase in U.S. flagged CFVs illegally fishing in Canadian waters over the past year. Such conduct violates U.S. law, including the Lacey Act, and subjects offenders to both criminal and civil liability. District One attorneys worked internally and with regional partner agencies to investigate and ultimately bring successful enforcement actions against offending vessels, with the ultimate goal of creating deterrence in the fleet.

Other Law Enforcement. RLD attorneys assist the Coast Guard’s Office of Maritime Law Enforcement in developing law enforcement policy and guidance on the Coast Guard’s law enforcement missions. As our nation’s focus on Oceania grows, Coast Guard lawyers in PACAREA and District Fourteen advise on legal regimes to counter IUU fishing. As a party to the North Pacific Fisheries Commission (NPFC) and Western Central Pacific Fisheries Commission (WCPFC), the Coast Guard conducted boardings under these conventions’ High Seas Boarding and Inspection (HSBI) regimes. During this period, RLD attorneys provided legal guidance and review on the publication of the Coast Guard’s Illegal, Unreported, and Unregulated Fishing Strategic Outlook Implementation Plan.

Ports, Waterways, and Coastal Security. RLD attorneys continued to play a key role in analyzing

new counter-unmanned aircraft system (C-UAS) technologies and implementing these technologies in the field. Attorneys drafted guidance to units and participated in planning the use of Coast Guard C-UAS capabilities in support of special security events.



Search and Rescue (SAR). RLD attorneys worked with international partners to strengthen Search and Rescue capacity worldwide. During this period, RLD attorneys advised the Coast Guard Office of Search and Rescue regarding legal issues related to the Coast Guard assuming the Lead Federal Agency (LFA) role for the Search and Rescue Satellite Aided Tracking (SARSAT) program, including fiscal and administrative law issues. They also advised on the completion of coordination agreements between the United States and other parties to the International Convention on Maritime Search and Rescue to streamline cooperation in rescues. During this period, the Coast Guard concluded new arrangements with the Philippines, Turks & Caicos, and Mexico.

Legislation

CGJAG's Legislative Counsel is responsible for coordinating with various offices throughout the Coast Guard on the development and clearance of Coast Guard legislative change proposals (LCPs) and Coast Guard views on legislative proposals and legislation.

On January 1, 2021 H.R. 6395, the National Defense Authorization Act of 2021, became public law 116-283. The Coast Guard Authorization Act (CGAA) was included in the law as Division G. The CGAA will improve the Service's ability to meet its core missions as a military service, law enforcement organization, and steward of the environment. This includes provisions that will: (1) authorize the Commandant to promote military members with critical skills into positions where their skills will support the goals of the Service; (2) prohibit the lasing of certain vessels so as to protect against maritime casualties; (3) increase the efficiency with which the National Pollution Fund Center can reconcile claims submitted to the fund; and (4) expand the Coast Guard's ability to immediately respond to maritime cyber incidents.

The American Innovation and Manufacturing (AIM) Act, signed into law on December 27, 2020, phases out the manufacture and importation of hydrochlorofluorocarbons (HFCs). HFCs are used for refrigeration, cooling and fire suppression on vessels, and also in munitions, but have been determined to be potent Greenhouse Gases. The Coast Guard is working with EPA on the development of the "mission-critical military end use" provision of the new regulation. The EPA had until September 23, 2021 to finalize an initial regulation.

Under the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116-283), the Coast Guard was recently given the authority to establish offshore safety zones in support of special activities, including commercial space operations. Section 8343 (134 Stat. 4710) of the Act directed the Coast Guard to conduct a two-year pilot program to establish and implement a process to establish safety zones to address special activities in the U.S. Exclusive Economic Zone (EEZ). These novel safety zones not only protect commercial and recreational maritime operations but will provide critical information to be included in the Coast Guard's report to Congress regarding the benefits of offshore safety zones for space activities. D7 judge advocates developed novel regulations to leverage this authority to ensure the safety of space missions and waterway users during space recovery missions.



Pictured: D14 staff interfacing with their clients.

General Law

The mission of the General Law practice area is to provide legal advice in the areas of Fiscal Law, Standards of Federal Conduct/Ethics Law, Civilian Employment and Labor Law, Military Personnel Law, and Administrative Law. The attorneys in the practice area are responsible for reviewing and commenting on legal authorities, delegations, advising on major incident investigations, providing agency positions to the DHS Board of Correction for Military Records, and reviewing administrative investigations. Attorneys in the office of General Law also provide direct counsel to the Coast Guard's senior leadership and their staffs.

Fiscal Law. This past year, fiscal attorneys continued to provide substantive advice, research, and legislative drafting assistance during the Service's response to the COVID-19 pandemic and other issues arising from the current economic climate. The fiscal law practice group provided real time advice to clients on issues such as the appropriate use of funds during three continuing resolutions; continued oversight on the proper use of the hurricane supplemental appropriation; implementation of the new financial management system; transfer of Coast Guard retired pay to the Department of Defense Trust Fund; and the use of funds for the Coast Guard Museum project. The fiscal law practice group also continued to provide critical legal support to the Comptroller of the Coast Guard on investigations into the proper use of appropriated funds and financial management internal controls policy.

Employment Law. Coast Guard employment and labor law attorneys handled over 82 Equal Employment Opportunity Commission (EEOC) and Merit Systems Protection Board (MSPB) cases during this period. A team of Coast Guard litigators from both CG-LGL and Legal Service Command prevailed in a closely watched case involving a "sick out" of firefighters who were fired for being absent without leave when they objected to working with a co-worker who had recovered from COVID. In addition, Coast Guard employment and labor law attorneys provided advice to Coast Guard leadership regarding over 343 employment related matters. The Coast Guard's Employment Law attorneys provided advice to clients on issues related to civilian personnel during the COVID-19 pandemic, most importantly those involving the COVID vaccine mandate and creation of a vaccination exemption process. Veterans hiring issues, particularly the implementation of the VOW Act, continued to require significant attorney assistance and resources. Finally, these attorneys were instrumental in the creation of a new remote



work policy, which will significantly expand and alter working arrangements for employees, as well as a new policy geared toward preventing harassing behavior, investigating misconduct, and holding employees accountable.

Ethics. Ethics attorneys provided advice on matters of misuse of position, lobbying, gifts, conflicts of interest, outside employment and activities, and fundraising. This included advising the Coast Guard on the myriad gift acceptance issues and on the rights and limitations of employees and military members with respect to political activities. Additionally, now that Coast Guard members have statutory authority to participate in the Skillbridge Program, the ethics attorneys have worked to implement an internal approval process and advise members participating in the program. In conjunction with the Real Property attorneys, the office reviewed numerous interactions with and plans from the National Coast Guard Museum Foundation in anticipation of receipt of the \$150 million museum. The Ethics attorneys also managed its first full year of electronic filing with both Confidential Financial Disclosure Reports using the Army Financial Disclosure Management system and Public Financial Disclosure Filers using the Integrity system. Headquarters attorneys also assisted Atlantic Area attorneys in providing the ethics review and determinations in association with the commissioning of three new Coast Guard cutters

(USCGC's), i.e., USCGC EMLEN TUNNELL, USCGC JOHN SCHEUERMAN, and CLARENCE SUTPHIN, the Coast Guard's new Sentinel-class cutters. The review included the factors and applicable regulations for the acceptance of free attendance to commissioning dinners and gifts to members of the respective crews.

Real Property. Real property attorneys provided legal advice and services on a multitude of real property matters. This included engaging stakeholders in Seattle, Washington as the Coast Guard seeks to expand its footprint there at Base Seattle. The Coast Guard continued its pursuit of the transfer of the Cape Flattery lighthouse to the Makah Tribe in Washington State and finalized reconstitution of Coast Guard property affected by Hurricanes Irma and Maria. Additionally, the real property team continued to assist the Coast Guard as it works to establish a national Coast Guard museum in New London, CT, and continues to advise upon the administration of a \$50 million grant for construction of the museum.

District One attorneys provided guidance to Sector Boston and the District One command in coordinating the potential divestiture and transfer of Boston Light, the Oldest Lighthouse in the United



States, to the National Park Service, pursuant to the 1989 National Historic Lighthouse Preservation Act. The District One Legal Office facilitated the communications with CG-4, CG-LMI-E, CG-LGL, and Atlantic Area to evaluate legal authorities, to include discussions regarding numerous Commandant

Decision memos and internal legal opinions. The District One Legal Office also coordinated with District One External Affairs to manage messaging for the transfer of this historically and locally significant piece of Coast Guard property. Ultimately, the District Commander approved the request to initiate the divestiture of the lighthouse, and coordinated with CG-4 to conduct the environmental analysis necessary to conduct the process.

LSC attorneys with specialties in real property and environmental law are critical players in advancing the Commandant of the Coast Guard's goal to modernize the Coast Guard's shore infrastructure

support programs and mature long-term homeporting processes around the country. This past year, LSC attorney support has been instrumental in the Coast Guard's intended expansion of Coast Guard Base Seattle, which is needed to support a new \$1 billion Polar Security Cutter in 2025 and other future Coast Guard ships. Of note, LSC attorneys initiated and negotiated a creative consent order with the U.S. Environmental Protection Agency (EPA), enabling the Coast Guard to start the environmental clean-up necessary for dredging and pier reconstruction.



The diagram above is of the Base Seattle expansion. The diagram reflects the complex legal issues of both an environmental and real property nature.

Alternative 1 involves acquisition of 53 acres of Terminal 46, as well as acquisition of one small adjacent parcel, and the corresponding reconfiguration of Base facilities and infrastructure. This alternative would include acquisition of two existing berths at Terminal 46.

To support the expansion of Base Charleston, SC, in January 2022, LSC attorneys filed a final opinion of title acquiring additional real property to support an additional nine Coast Guard cutters. This highly complicated transaction involved a land transfer between two federal agencies and one state public/private entity. The Commandant himself heralded the acquisition of an exemplar “center of gravity” to support U.S. maritime operations.

Administrative Law. General Law attorneys were instrumental in handling the myriad issues related to religious accommodation requests associated with the Coast Guard’s COVID-19 vaccine mandate. The office spearheaded the Coast Guard’s revision of the religious accommodation manual and subsequently reviewed over 1300 religious accommodation requests and 900 appeals as the Coast Guard faced an unprecedented number of requests.

The team worked extensively with colleagues both within the Coast Guard and the DoD to revise the Coast Guard’s extremism policies in accordance with new DoD guidance. Attorneys also advised senior leadership on the scope of First Amendment protections for both military and civilian members.

Attorneys assisted offices throughout the Coast Guard with developing legislative change proposals and delegation memorandums that will continue to drive retention and accession rates. Examples

include a delegation for the Coast Guard to unilaterally manage an expanded JROTC program, run a pilot program for new maternity uniforms, and increase Coast Guard senior officer representation at DoD capstone leadership courses.

General Law attorneys submitted over 250 Coast Guard advisory opinions to the Coast Guard Board for Correction of Military Records and reviewed nearly all Coast Guard-wide guidance for legal sufficiency, amounting to over 1000 reviews.

Field attorneys continued to supervise Major Incident Investigations, review inter-agency agreements, and provide general law and command advice to commands within their area of responsibility. Headquarters attorneys served as legal advisor on over a dozen Mishap Analysis Board investigations.

The District Eight Legal Office made concerted efforts to support the investigation of internal Coast Guard marine and aviation mishaps. District Eight attorneys deployed with investigation teams to investigate an aircraft fire, a major cutter collision, and incidents of small boats capsizing and grounding. The thorough investigation and follow-up action for these incidents significantly contribute to safety lessons learned for the prevention of future mishaps.

Regulations and Administrative Law

The Coast Guard is charged with developing and enforcing regulations to ensure the safety of marine navigation, protect the environment, conduct search and rescue, enforce laws and treaties, and maintain marine security. Coast Guard attorneys draft new regulations, including ones that reduce burdens, based on those mandates and also provide advice to field commanders on the implementation of all existing regulations and their enforcement and applicability.

The Office of Regulations and Administrative Law manages the Coast Guard regulatory agenda, oversees regulatory initiatives, works with attorneys in districts on local field regulations, provides advice about the Federal Advisory Committee Act (FACA), and responds to rulemaking-related recommendations and complaints filed by the public.

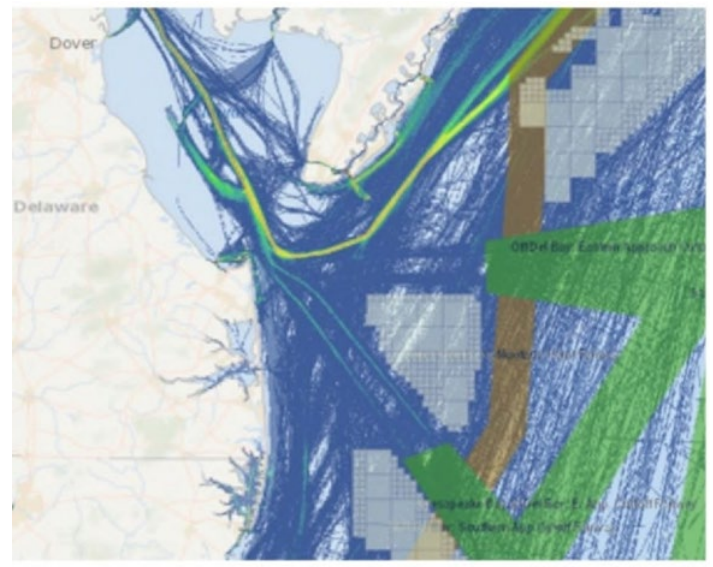
The Coast Guard's rulemaking program continues to balance a portfolio of regulations touching on a wide variety of the 11 Coast Guard missions. Since last year's report, the Coast Guard Headquarters published several rules and proposed rules, as well as more than 100 notices to comply with a variety of legal requirements such as the Paperwork Reduction Act and FACA. Additionally, Coast Guard field units, including Sectors and Districts, drafted field regulations or non-controversial rules that affect only localized areas. During this period, the Coast Guard published nearly 400 field regulations.

The Coast Guard continued engaging in an extensive review of its regulations, guidance documents, and collections of information. The following notable interim rule, notice of guidance, and advance notice of proposed rulemaking, provide examples of recent publications, including one seeking comments at a pre-rule stage:

The Coast Guard published an interim rule December 27, 2021, as the first step to implementing the statutorily mandated requirements for fire safety on certain covered small passenger vessels. This statutory mandate is in response to the fire and loss of life on the dive boat CONCEPTION off the coast of California on September 2, 2019. The interim rule adds additional fire safety requirements for small passenger vessels, including fire detection and suppression systems, avenues of escape, egress drills, crew firefighting training, watchmen monitoring devices, and the handling of flammable items such as rechargeable batteries.

The Coast Guard published an advance notice of proposed rulemaking on June 19, 2020 and will next

propose to establish shipping safety fairways (fairways) along the Atlantic Coast of the United States to facilitate the direct and unobstructed transit of ships. Fairways are marked routes for vessel traffic in which any fixed obstructions are prohibited. The proposed fairways will be based on port access route studies about vessel traffic along the Atlantic Coast. The Coast Guard is taking this action to ensure that traditional shipping routes are preserved to and from US ports and along the Atlantic coast and to reduce the risk of collisions, allisions and grounding, as well as alleviate the chance of increased time and expenses in transit. Establishing shipping fairways will help facilitate the efficient development of offshore renewable energy.



*Pictured: Shipping Safety Fairways Along the Atlantic Coast
Advanced Notice of Proposed Rulemaking*

In addition to these two, the Coast Guard engaged in the following substantive national regulatory or guidance efforts since our last ABA Report: Advance Notice of Proposed Rulemaking, Electronic Chart and Navigational Equipment Carriage Requirements; Final Rule, Great Lakes Pilotage Rates—2022 Annual Review and Revisions to Methodology; Notice of Availability, Determining

Whether a Floating OCS Facility is a Vessel or Non-Vessel; Oversight and Manning Requirements; Final Rule, Operational Risk Assessments for Waterfront Facilities Handling Liquefied Natural Gas as Fuel, and Updates to Industry Standards; Notice of Proposed Rulemaking, User Fees for Inspected Towing Vessels; Final Rule, Financial Responsibility—Vessels; Superseded Pollution Funds; Final Rule, Fire Protection for Recreational Vessels; Notice of Proposed Rulemaking, Updates to Marine Engineering Standards; Notice of Proposed Rulemaking, Uniform Certificate of Title Act for Vessels; Notice of Proposed Rulemaking, Towing Vessel Firefighting Training; Notice of Proposed Rulemaking, Pilots' Medical Certificate Validity Period; Final Rule, Electronic Submission of

Facility Operations and Emergency Manuals; and Request for Information, Coast Guard Programs, Regulations, and Policies for Addressing Climate Change.

District Eight processed approximately 150 temporary field regulations during this period, a significant number due to District Eight's large AOR, including the establishment of a new anchorage in the New Orleans. District Eight attorneys also assisted with federal coordination and environmental review of the Super Heavy Project in Boca Chica Texas, the hub of SpaceX's research and development, which aims to send crew to Mars.

Procurement Law

The Procurement Law program is responsible for providing expert legal counsel on major systems acquisitions. The program works with the stakeholders throughout the Coast Guard to deal with legal issues focused on matters having an impact on Coast Guard acquisitions, including acquisition planning, source selections, contract administration, and related litigation. The program also handles matters that arise from or are related to Coast Guard acquisitions including fiscal law, third party FOIA requests, procurement regulations and policies, and legislation impacting the procurement process.

During this period, the Procurement Law program participated in the following procurement actions.

Offshore Patrol Cutter (OPC). The Offshore Patrol Cutter (OPC) procurement is the Coast Guard's largest single-class cutter acquisition. In 2018, the Coast Guard exercised an option with Eastern Shipbuilding Group, Inc. (ESG) to begin construction for the first OPC. On October 10, 2018, Category 5 Hurricane Michael struck shore near Panama City, significantly impacting ESG's production capacity. As a result, the ESG contract was limited to four hulls. The Coast Guard held a competition for production of 11 more OPCs. On June 30, 2022, the Coast Guard awarded the follow-on production contract to Austal USA with options to build up to 11 OPCs.



Pictured: Rendering of OPC

National Security Cutter (NSC). The NSC is the largest and most advanced class of cutter in the Coast Guard. The Coast Guard took delivery of the eighth NSC, USCGC MIDGETT, in 2019. Currently NSCs #10 - #11 are at varying stages of production at Huntington Ingalls Industries shipyard in Pascagoula, MS. NSC #9 was delivered in 2020 and is currently undergoing post-delivery availabilities in advance of final acceptance. CG-LPL attorneys assisted the Contracting Officers in the administration of the construction contracts and handling various issues that present themselves.

Unmanned Airborne Systems (UAS). The Coast Guard uses UAS to augment its manned aircraft fleet and to enlarge the surveillance range of its fleet of cutters. Small UASs deploy from the deck of eight NSCs under a contract with Insitu, Inc. to operate the ScanEagle UAS. The deployments have been wildly successful. Although no procurements are as-yet planned, efforts are underway to consider use of unmanned systems on other Coast Guard platforms.

Fast Response Cutter (FRC). The Coast Guard took delivery of 44 of the Sentinel-class FRC, a 154' multi-mission cutter under production contracts with Bollinger Shipyards. Included in the delivered cutters are the first three FRCs for the six total planned. CG-LPL is providing legal support for the exercising of options for FRCs 1161 through 1164, plus associated spares, scheduled to be awarded at the end of July 2021.

Waterway Commerce Cutter (WCC).

The Coast Guard's current inland tender fleet consists of 35 tenders that support the service's aids to navigation (ATON) mission in federal inland waterways. These tenders play a vital role in directing the traffic of the nation's Marine Transportation System (MTS) and supporting the U.S. economy by enabling the efficient flow of goods nationwide. The fleet is responsible for maintaining more than 28,200 marine aids throughout 12,000 miles of inland waterways, which move 630 million tons of cargo annually. The WCC acquisition program will replace the legacy inland tender fleet where average vessel age is in excess of 55 years. Source Selection is underway for the design and construction of new river buoy and inland construction tenders. The program anticipates contract award in the summer of 2022.

Polar Star Service Life Extension Project (SLEP).

Coast Guard Cutter POLAR STAR is a 399-foot cutter, the service's only active heavy polar icebreaker, which was commissioned in 1977. The SLEP will occur in a five-year, phased production between 2021 and 2025. When completed, the SLEP effort will recapitalize a number of major systems and extend the service life of the cutter until a second polar security cutter is operational. In January 2021, the contract for this effort was awarded to Mare Island Dry Dock, LLC.

Polar Security Cutter. In conjunction with the Navy, the Coast Guard has procured the design and production of the Polar Security Cutter (PSC) by V.T. Halter, Inc. The contract performance is still in the detailed design phase and the Coast Guard is funding long lead-time materials and expects to take delivery of the first new hull in 2024. Program attorneys worked with the Human Systems Integration office for the successful award of a contract to develop the training modules to be deployed to the first PSC crews. This is the first such effort undertaken by the Coast Guard for training development.



Artistic rendering
courtesy of VT Halter
Marine

Fixed-Winged Modernization. The Coast Guard operates three fixed-wing platforms for reconnaissance and other critical mission sets. The service is completing the integration of the Navy's Minotaur mission system architecture across the Coast Guard's HC-130J (12 completed), HC-144B (7 completed), and C-27J (first 4 at various stages of work) fixed-wing aircraft fleets. The Coast Guard partnership with the Navy and Customs and Border Patrol (CBP) Minotaur programs enables long-term capability management and supports DHS Unity of Effort joint operational requirements development to drive down costs. Program counsel work with the various programs to ensure their contracting needs are met appropriately. For example, the CH-144B program successfully conducted a competition for a contract to create Maintenance Training Units to be

used at the Aircraft Training Center-Mobile, Alabama.

Rotary Wing Aircraft. The Coast Guard operates two rotary wing aircraft platforms, the iconic H-65, with its bright orange color scheme, and the MH-60T, a medium-range workhorse. The H-65 helicopters are currently undergoing depot maintenance where the airframes receive a suite of upgrades to the cockpit and wiring systems. Procurement attorneys work with the contracting personnel and program to ensure the needed parts and service-providers are on-contract and providing what is needed. The MH-60 program is entering a SLEP to ensure that the fleet is available to conduct all needed mission areas into the 2030's. In order to perform the SLEP, Coast Guard personnel, working with program attorneys, have selected the best means of adding service hours to each aircraft and are in the process of procuring the necessary equipment and labor to conduct the SLEP. Recently, with program counsel support, the Coast Guard entered in to a contract to purchase the airframes for the H-60, which will be manufactured in the Coast Guard's unique configuration for the first time. This was a significant milestone in the program.

Claims and Bid Protests. Procurement attorneys assist in the defense of contract actions in the event they are challenged before the Government Accountability Office (GAO) or at the agency level. Attorneys routinely work with programs and contracting personnel to avoid or deter bid protests. Program attorneys managed eight GAO protests in Fiscal Year 2021 and eight agency-level protests. These were either dismissed, denied, or resulted in corrective action. Procurement attorneys also handle litigation of contract appeals before the Civilian Board of Contract Appeals and assist the Department of Justice in litigation before the Court of Federal Claims. Currently, the Coast Guard has one pending matter before the Civilian Board of Contract Appeals at various stages of litigation.

Procurement Fraud Remedies Coordination. The Coast Guard does not have independent authority to suspend or debar contractors or vendors found to be non-responsible. However, a procurement attorney serves as the Procurement Fraud Remedies Coordinator (PFRC) to work with the Coast Guard Investigative Service (CGIS), DHS, and inter-agency counterparts on such matters. The PFRC works closely with contracting personnel and CGIS to investigate claims of procurement fraud and determine the appropriate remedy if found. The

PFRC then coordinates any proposed suspension or debarment action with the DHS Suspension & Debarment Official. Finally, the PFRC represents the Coast Guard in this role on inter-agency working groups and interacts with the Department of Justice, as needed.

Acquisition and Procurement Law at the Legal Service Command. The Acquisition and Procurement Law Division (LSC-APL), consisting of the Supervisory Attorney/Division Chief and eight Contract Law Attorneys, supports the procurement law and litigation needs of the Coast Guard's asset sustainment community, including the Logistics Centers for Aviation, Surface Forces and Shore Infrastructure and Communications, Command Control and Navigation sustainment of the C5I Service Center, from offices in Baltimore, MD; Elizabeth City, NC; Norfolk, VA; and Alameda, CA. LSC-APL and the Office of Acquisition and Procurement Law at Coast Guard Headquarters and, together, constitute the Coast Guard Acquisition and Procurement Community of Practice (ACOP).

LSC Procurement Law Attorneys engaged with their technical and contracting teammates to provide the Coast Guard with Depot Maintenance for all aviation, surface and shore assets and construction of new facilities in 2021 and 2022. The innovative "Integrated Procurement Team" approach won the Legal Services Command Procurement Law Attorneys an "Excellence in Service Award for Superior Mission Achievement" from the Department of Homeland Security Chief Financial Officer for 2022.

Aviation Logistics Center. The Aviation Logistics Center Integrated Procurement Teams contracted for next generation radar systems and search and rescue electro-optical and infrared sensors and to guarantee availability of replacement parts for aircraft nearing obsolescence.

Surface Forces Logistics Center. Surface Forces Logistics Center Integrated Procurement Teams ensured that critical upgrades to legacy Cutters remained on track despite the Bankruptcy liquidation of the prime contractor and ensured that Coast Guard Patrol Boats in Bahrain received the necessary logistics support to perform their force protection missions in the Persian Gulf.

Facilities Design and Construction Center (FDCC). Facilities Design and Construction Center (FDCC) Integrated Procurement Teams contracted for the construction of 50 three and four bedroom houses for Coast Guard families in the Nemetz Park housing area in Kodiak, Alaska and recently awarded the largest ever single construction contract in FDCC history (\$113M) in Borinquen, PR. This design-build construction project is the second and final phase of the hurricane rebuild efforts in Borinquen and comprises a significant level of effort to rebuild in Puerto Rico.

Energy. LSC Procurement Law Attorneys also teamed with their Coast Guard Energy counterparts and the Department of Energy to contract for a 5 megawatt solar array that will permit the Coast Guard Training Center Petaluma to operate off the electrical grid in emergency situations.

Legal Services Provided to USCG Training Centers

The Coast Guard Training Centers (TRACEN).

TRACENs are located in Cape May, Yorktown, Petaluma, and the Maritime Law Enforcement Academy. The TRACENs present unique legal challenges and opportunities. Mid-grade Coast Guard attorneys serve as the Staff Judge Advocate for our Training Centers where these independent Staff Judge Advocates not only advise their commanders on the full range of legal issues, but also serve as legal assistance attorneys, helping members resolve civil legal matters to promote readiness and morale.

The coronavirus pandemic underscored the value of the legal assistance program as the pandemic exacerbated financial stressors and created other unique legal issues.

During this unique time, the TRACEN SJAs helped the Coast Guard's Training Centers modify training plans, implement COVID testing and safety protocols, and address other issues related to service contracts, facility access, and liability to protect Coast Guard interests.

Legal Services Provided to the Coast Guard Academy

The Coast Guard Academy (USCGA). The USCGA SJA Office is responsible for providing legal advice to the Superintendent and approximately 2000 members of the Coast Guard Academy - including CGC EAGLE and the Coast Guard Band - regarding courts-martial, non-judicial punishments, cadet misconduct, appropriated and non-appropriated fund expenditures, administrative

investigations, and ethics. Additionally, the SJA Office advises cadets, faculty, and staff about unique, higher education legal issues due to USCGA's status as an institution of higher learning such as copyright law; intellectual property; patent law; academic hiring, firing, and tenure; and NCAA compliance.

LSC Detachment at Personnel Service Center (LSC-PSC)

LSC-PSC. The LSC Detachment at Personnel Service Center (LSC-PSC) serves to provide comprehensive legal support to customers across the PSC Enterprise (Command, Officer Personnel Management (OPM), Enlisted Personnel Management (EPM), Reserve Personnel Management (RPM), Business Operations and Personnel Support divisions within PSC and Coast Guard Recruiting Command, Pay and Personnel Center, and Community Services Command) as well as Staff Judge Advocate services to the Commanding Officers of Coast Guard Headquarters, Base National Capital Region, Air Station Washington, Ceremonial Honor Guard, and Coast Guard Counterintelligence Service. LSC-PSC personnel are proficient in matters of military personnel actions, including recruitments, accessions, promotions, advancements, continuations, retentions, evaluations, commissions, enlistments, appointments, assignments, separations, and adverse actions.

PSC Boards and Panels: LSC-PSC completed legal sufficiency review of all convening precepts and reports of results for all boards and panels conducted by PSC-OPM, EPM and RPM and CG Recruiting Command, as well as provided real-time legal advice as needed during proceedings. LSC-PSC's efforts led to the efficient processing of largescale military personnel actions, including the Master Chief Advancement Panel, which was expanded to Reserve members for the first time, and the Command Senior Enlisted Leader Panel, which was run concurrently for Active Duty and Reserve members, also for the first time.

Legislative Change Proposals (LCPs): LSC-PSC provided legal review for and helped shape LCPs to (1) establish a Coast Guard Medical Corps and (2) reform aspects of the College Student Pre-Commissioning Initiative Program. In both cases, the PSC attorney support identified concerns with initial proposals and enabled client elements to transform efforts into products that maximized the opportunities to resolve longstanding problems and develop authorities that match service needs.

LSC - Command Services

CG's First Emotional Support Dog. In August 2021, LSC provided guidance to accept the CG's first emotional support dog, Winston, as a gift from Thor's Hope Foundation. As a result, Winston has broken down barriers to active duty members seeking support and drastically increased the impact of BASE LA/LB Work Life efforts. Winston has uplifted exhausted members at an oil spill ICP, supported those grieving at a CG member's memorial service, comforted distressed trainees at suicide prevention training, and calmed anxious candidates readying for Command-screening oral qualification board.



Pictured: Winston, the Coast Guard's first emotional Support Dog.

After his dedicated service, during this period, Winston was advanced to Honorary Chief by the BASE Los Angeles/Long Beach Mess.



Base Kodiak Support. LSC attorneys collaborated with Base Kodiak Command/Clinic and a local hospital to establish a Memorandum of Agreement for refilling oxygen canisters, obviating the need for aerial/shipping support to maintain oxygen supply on Kodiak Island. This partnership is a benefit for the large Coast Guard contingent on the island as well

as community members who often need to frequent the Kodiak Clinic, particularly during COVID-19 operations.

Skillbridge. LSC East and West came together in rapid response to the newly promulgated Skillbridge internship program that required ethics attorney input. LSC leveraged CG-8 to develop a CGJAG-wide process guide streamlining member and command approval and getting members into Skillbridge internships within weeks of the program's creation.

Command Services Support. LSC provided attorney assistance as a Deposition Officer in support of an international USN General Court-Martial case for four separate depositions. The LSC attorney helped pioneer the use of videoconferencing and telepresence to conduct each evolution from the safety of the United States, saving the staggering cost of relocating the entire legal team to SOUTHCOM. This also avoided the danger of exposing key personnel to an unchecked outbreak of COVID-19 at the interview site and dangerous travel to a Department of State designated Level-4 "Do not travel" nation.

LSC managed the convening of three Class A and B Mishap Major Incident Investigations for DCMS and FORCECOM ranging from aircraft hard landings to a cutter fire.

LSC assisted the Base Miami Beach CO with separating (after reduction in ranks and confinement) three members for drug dealing with each other.

LSC assisted Base Cape Cod with accepting and distributing 100 tickets to its members for a Garth Brooks concert.

LSC visited Base Charleston, Base Miami Beach, and Base San Juan in-person to build relationships with Commands and provide misconduct/AHHI trainings to their Chiefs Mess and junior officers.

Tomorrow looks different. So will we.

We will be a more adaptive and connected Coast
Guard that generates sustained readiness,
resilience and capability

– *in new ways* –

to enhance our Nation's maritime safety, security,
and prosperity.”

ADMIRAL LINDA FAGAN,

1 JUNE 2022



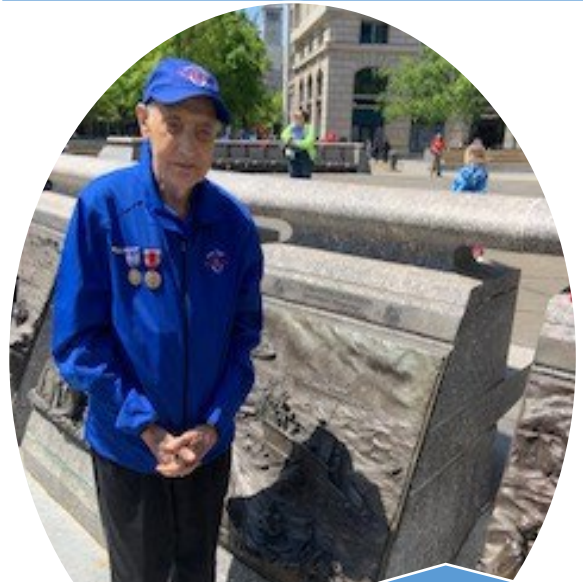
**CG Commandant and Vice
Commandant**



**CGJAG DCL Operations
Familiarization**



**CGJAG DCL Operations
Familiarization**



**94 year old Ellis Bert, former
USCG
Honor Flight**



OFFICE OF THE JUDGE ADVOCATE GENERAL

Commandant (CG-094)

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