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Is the Coast Guard an Armed Force? Yes.

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9.0--Miscellaneous

Title 10 of the United States Code (U.S.C.) governs the armed forces. The definitions section of title 10 defines the term “armed forces” as follows: “The term ‘armed forces’ means the Army, Navy, Air Force,

¹ I invite the reader’s attention to [Law Center | ROA](#). You will find more than 2,300 “Law Review” articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouses’ Protection Act (USFSPA), the title 38 chapters that provide for veterans’ benefits administered by the Department of Veterans Affairs (VA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. I am the author of more than 90% of the articles, but we are always looking for “other than Sam” articles by other lawyers.

² BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General’s Corps officer and retired in 2007. I am a life member of ROA. I have dealt with USERRA and the Veterans’ Reemployment Rights Act (VRRRA—the 1940 version of the federal reemployment statute) for 44 years. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I largely drafted the proposed VRRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. §§ 4301-35). I have also dealt with the VRRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. My paid employment with ROA ended 5/31/2015, but I have continued the work of the SMLC as a volunteer. As of 5/1/2026, I have come out of retirement and have joined Maher Legal Services in an “of counsel” role. You can reach me by e-mail at samuel@maherlegalservices.com or by telephone at (708) 468-8155.

Marine Corps, Space Force, **and Coast Guard.**”³ The Coast Guard is an armed force, just as much as the Army or any other armed force.

In 1787, 12 of the original 13 States (all except Rhode Island) sent delegates to the Constitutional Convention in Philadelphia, where those delegates drafted the United States Constitution. Article VII of the draft provided: “The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.”⁴ All 13 original States eventually ratified the Constitution, but Rhode Island was the last to ratify and did so after the initial Federal Government was already in operation.

At the time, tariffs (taxes imposed on imports to our country) were the principal source of revenue for the nascent Federal Government. Alexander Hamilton, our nation’s first Secretary of the Treasury, realized that our nation needed armed ships to make tariffs effective, because otherwise smugglers would import goods unlawfully without paying the tariffs.

On 8/4/1790, the First Congress established the Revenue Cutter Service (RCS) as part of the Department of the Treasury. On 1/28/1915, the RCS was consolidated with the Lifesaving Service and the name of the organization was changed to the United States Coast Guard (USCG). The Coast Guard remained part of the Department of the Treasury until 1967, when Congress established the Department of Transportation as a new department and the USCG was transferred to that department. After the terrorist attacks of 9/11/2001, Congress created the

³ 10 U.S.C. § 101(a)(4) (emphasis supplied).

⁴ United States Constitution, Article VII. Yes, it is capitalized just that way, in the style of the late 18th Century.

Department of Homeland Security (DHS) as the 15th and most recent Cabinet-level department and the USCG was transferred to DHS.

Provision has been made for the USCG to operate as a separate service in the Department of the Navy during wartime, but that has only happened twice, in World War I and World War II. Although the USCG has not been transferred since World War II, the USCG has participated meaningfully in the Korean War, the Vietnam War, and all other military operations of our country in recent decades. The fact that the USCG is part of DHS, not DOD, does not make it any less an armed force.

Q: What title of the United States Code governs the Coast Guard?

A: Title 14 governs the Coast Guard, but since the Coast Guard is an armed force title 10 also applies. In researching a legal issue pertaining to the Coast Guard, one must consider title 10 as well as title 14.

Q: What about the commissioned corps of the Public Health Service (PHS) and the commissioned corps of the National Oceanic & Atmospheric Administration (NOAA)?

A: The definitions section of title 10 defines the term “uniformed services” as follows:

(5) The term “uniformed services” means—

(A)

The armed forces;

(B)

the commissioned corps of the National Oceanic and Atmospheric Administration; and

(C)

the commissioned corps of the Public Health Service.⁵

All armed forces are uniformed services, but not all uniformed services are armed forces. Like the commissioned corps of NOAA, the commissioned corps of the PHS is a “uniformed service” but not an “armed force.” When a federal or state statute refers to the “uniformed services” that statute applies to the commissioned corps of PHS and the commissioned corps of NOAA. When a statute applies to the “armed forces” PHS and NOAA are not covered.⁶

Q: Where can I find a lawyer or law firm that fully understands laws like the Servicemembers Civil Relief Act (SCRA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Uniform Code of Military Justice (UCMJ), and other laws that are especially pertinent to those who serve our country in uniform?

A: As of 5/1/2026, I have come out of retirement and have joined Maher Legal Services in an “of counsel” role. This firm has a great team, headed by attorneys John Maher and Kevin Mikolashek, both of whom have served as Army judge advocates for many years. These attorneys and this firm have a great record, and I am proud to join their team.

Here is a link to the Maher Legal Services website:

<https://www.lawyersdefendingwarriors.com/about>.

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⁵ 10 U.S.C. § 101(a)(5).

⁶ See generally Law Review 20048 (May 2020).

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