

nual rate of retired pay received by any person who was retired on or before June 30, 1953, under section 6 of the Act of June 20, 1918, as amended and supplemented (section 763 of this title), shall be increased, effective on the first day of the calendar month following enactment of this Act, by 15 per centum of \$264, whichever is the lesser: *Provided*, That no retired pay shall be increased to an amount in excess of \$2,160 by reason of this Act."

**COST-OF-LIVING ADJUSTMENT TO RETIREE'S ANNUITY**

Adjustment of annuities of retired officers and employees based on cost-of-living increases, see section 2 of Pub. L. 90-163, Nov. 29, 1967, 81 Stat. 518, set out as a note under section 771 of this title.

**§ 763-1. Increase of retired pay**

The annual rate of retired pay received by any person who was retired on or before June 29, 1949, under section 763 of this title, as amended and supplemented, shall be increased by \$360 effective on the first day of the calendar month following October 29, 1949.

(Oct. 29, 1949, ch. 788, 63 Stat. 1026.)

**§ 763-2. Additional increase of retired pay**

The annual rate of retired pay of each person retired under section 763 of this title, as amended and supplemented, shall be increased, effective on the first day of the first calendar month following July 9, 1956, in accordance with the following schedule:

If retired pay commences between—	Retired pay not in excess of \$1,500 shall be increased by—	Retired pay in excess of \$1,500 shall be increased by—
June 20, 1918, and June 30, 1955.	12 per centum ..	8 per centum.
July 1, 1955, and December 31, 1955.	10 per centum ..	7 per centum.
January 1, 1956, and June 30, 1956.	8 per centum ....	6 per centum.
July 1, 1956, and December 31, 1956.	6 per centum ....	4 per centum.
January 1, 1957, and June 30, 1957.	4 per centum ....	2 per centum.
July 1, 1957, and December 31, 1957.	2 per centum ....	1 per centum.

Such annual increase in retired pay shall not exceed the sum necessary to increase such retired pay to \$4,104. The monthly installment of each retired payment so increased shall be fixed at the nearest dollar.

(July 9, 1956, ch. 524, 70 Stat. 510.)

**§ 763a. Repealed. Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561**

Section, act May 22, 1926, ch. 371, § 7, 44 Stat. 626, related to retirement of certain officers and employees of the Lighthouse Service.

**EFFECTIVE DATE OF REPEAL**

Repeal effective first day of third month after approval by President [Aug. 4, 1949], see section 19 of act Aug. 4, 1949, set out as an Effective Date note preceding chapter 1 of Title 14, Coast Guard.

**§ 763a-1. Retirement, exceptions for age and period of service**

Any officer or employee of the Lighthouse Service who, on June 30, 1939, meets the requirements (except those relating to age and period

of service) of section 763 of this title, as amended or supplemented, and who shall (1) reach the age of sixty-four years prior to July 1, 1940, or (2) be the occupant of an office or position abolished prior to July 1, 1940, may in the discretion of the head of his executive department be retired with annual compensation as provided in said section: *Provided, however*, That no such officer or employee shall be retired hereunder unless he shall have been in the service of the Government not less than thirty years at the time of retirement. Any officer or employee to whom this section applies who is not retired hereunder prior to reaching the age of sixty-five years shall, upon reaching such age, become eligible for retirement in accordance with the provisions of said section 763 of this title, and may not be retired under the provisions of this section. Nothing contained in this section shall be construed to affect the application of said section to any officer or employee of the Lighthouse Service to whom this section does not apply.

(Aug. 10, 1939, ch. 642, 53 Stat. 1343.)

**TRANSFER OF FUNCTIONS**

Bureau of Lighthouses, of which Lighthouse Service was a part, transferred and consolidated with Coast Guard by Reorg. Plan No. II of 1939, § 2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Functions of Coast Guard, and Commandant of Coast Guard, were excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Coast Guard transferred to Department of Transportation, and all functions, powers, and duties relating to Coast Guard of Secretary of the Treasury and of other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of Title 14. See section 108 of Title 49, Transportation.

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§ 763a-2. Application to persons of Coast Guard**

The provisions of sections 763 and 763a-1 of this title shall not apply to persons of the Coast Guard other than officers and employees of the former Lighthouse Service who, on June 30, 1939, met the requirements for retirement (except those relating to age and period of service) of said sections.

(June 6, 1940, ch. 257, § 7, 54 Stat. 247.)

**CODIFICATION**

Sections 763 and 763a-1 of this title, referred to in text, was, in the original: "The provisions of section 6 of the Act approved June 20, 1918 (40 Stat. 608), as

amended and supplemented (U.S.C., 1934 edition, Supp. V., title 33, secs. 763 and 763a-1)".

#### TRANSFER OF FUNCTIONS

Bureau of Lighthouses, of which Lighthouse Service was a part, transferred and consolidated with Coast Guard by Reorg. Plan No. II of 1939, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Functions of Coast Guard, and Commandant of Coast Guard, were excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Coast Guard transferred to Department of Transportation, and all functions, powers, and duties relating to Coast Guard of Secretary of the Treasury and of other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of Title 14. See section 108 of Title 49, Transportation.

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### § 763b. Repealed. July 1, 1944, ch. 373, title XIII, § 1313, 58 Stat. 714

Section, act June 24, 1930, ch. 597, 46 Stat. 807, as affected by 1939 Reorg. Plans Nos. I, §§ 201, 205, and II, §2(a), eff. July 1, 1939, 4 F.R. 2728, 2731, 53 Stat. 1424, 1432, provided for hospital facilities for retired officers and employees of former Lighthouse Service.

#### RENUMBERING OF REPEALING ACT

Section 611 of act July 1, 1944, which repealed this section, was renumbered §711 by act Aug. 13, 1946, ch. 958, §5, 60 Stat. 1049, §713 by act Feb. 28, 1948, ch. 83, §9(b), 62 Stat. 47, §813 by act July 30, 1956, ch. 779, §3(b), 70 Stat. 720, §913 by Pub. L. 88-581, §4(b), Sept. 4, 1964, 78 Stat. 919, §1013 by Pub. L. 85-239, §3(b), Oct. 5, 1965, 79 Stat. 931, §1113 by Pub. L. 91-572, §6(b), Dec. 24, 1970, 84 Stat. 1506, §1213 by Pub. L. 92-294, §3(b), May 16, 1972, 86 Stat. 137; §1313 by Pub. L. 93-154, §2(b)(2), Nov. 16, 1973, 87 Stat. 604, and was repealed by Pub. L. 93-222, §7(b), Dec. 29, 1973, 87 Stat. 936.

#### § 763c. Repealed. Pub. L. 93-222, § 7(b), Dec. 29, 1973, 87 Stat. 936

Section, act July 1, 1944, ch. 373, title XIII, §1310(b), formerly title VI, §610(b), 58 Stat. 714; renumbered title VII, §710(b), by act Aug. 13, 1946, ch. 958, §5, 60 Stat. 1049; renumbered title VIII, §810(b), by act July 30, 1956, ch. 779, §3(b), 70 Stat. 721; renumbered title IX, §910(b), by Pub. L. 88-581, §4(b), Sept. 4, 1964, 78 Stat. 919; renumbered title X, §1010(b), by Pub. L. 89-239, §3(b), Oct. 6, 1965, 79 Stat. 931; renumbered title XI, §1110(b) by Pub. L. 91-572, §6(b), Dec. 24, 1970, 84 Stat. 1506; renumbered title XII, §1210(b) by Pub. L. 92-294, §3(b), May 16, 1972, 86 Stat. 137; renumbered title XIII, §1310(b), by Pub. L. 93-154, §2(b)(2), Nov. 16, 1973, 87 Stat. 604, made provision for hospital facilities for officers and employees.

#### § 764. Omitted

#### CODIFICATION

Section, act Mar. 4, 1921, ch. 161, §1, 41 Stat. 1417, related to privilege granted employees of continuing service after retirement and which was limited to a ten year period after Mar. 4, 1921.

#### § 765. Retirement for disability

Any officer or employee to whom section 763 of this title applies, who has been in the active service of the Government fifteen years or more and who is found, after examination by a medical officer of the United States, to be disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall be retired under rules to be prescribed by the Secretary of Transportation on an annuity computed in the manner provided in said section.

(Mar. 4, 1925, ch. 523, §1, 43 Stat. 1261; 1939 Reorg. Plan No. II, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432; Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 938.)

#### TRANSFER OF FUNCTIONS

The officers or employees to be retired refer to the officers and employees of the Lighthouse Service. The Lighthouse Service was under the Secretary of Commerce prior to the transfer and consolidation of the Bureau of Lighthouses, of which the Lighthouse Service was a part, with the Coast Guard which was under the Secretary of the Treasury by Reorg. Plan No. II, §2(a), set out in the Appendix to Title 5, Government Organization and Employees. Subsequently, the functions of the Secretary of the Treasury relating to the Coast Guard were transferred to the Secretary of Transportation by section 6(b)(1) of Pub. L. 89-670. See section 108 of Title 49, Transportation.

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### § 766. Restoration to active duty after retirement for disability

Any officer or employee retired under section 765 of this title may, upon recovery, be restored to active duty, and shall from time to time, before reaching the age at which he may be retired under section 763 of this title be reexamined by a medical officer of the United States upon the request of the Secretary of Transportation.

(Mar. 4, 1925, ch. 523, §2, 43 Stat. 1262; 1939 Reorg. Plan No. II, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432; Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 938.)

#### TRANSFER OF FUNCTIONS

The officers or employees to be retired refer to the officers and employees of the Lighthouse Service. The Lighthouse Service was under the Secretary of Commerce prior to the transfer and consolidation of the Bureau of Lighthouses, of which the Lighthouse Service was a part, with the Coast Guard which was under the Secretary of the Treasury by Reorg. Plan No. II, §2(a), set out in the Appendix to Title 5, Government Organization and Employees. Subsequently, the functions of