

officers and crews of light vessels and tenders, and officials and other authorized persons on board of such tenders or vessels, after payment on proper vouchers to the officer in charge of the mess of such vessel or party, as provided by law, may be expended and accounted for pursuant to regulations prescribed by the Secretary of Transportation, notwithstanding the provisions of sections 1321 and 1322(a) of title 31.

(May 13, 1938, ch. 215, § 3, 52 Stat. 353; 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.)

CODIFICATION

“Sections 1321 and 1322(a) of title 31” substituted in text for “the Act of June 26, 1934 (48 Stat. 1233) [31 U.S.C. 725s]” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

TRANSFER OF FUNCTIONS

The money accruing from commutation of rations and provisions refer to such moneys of persons in 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.

§ 771. Benefits for surviving spouses of Lighthouse Service employees; death of employee during retirement; amount of payment

Where—

(1) any former employee of the Lighthouse Service has died or shall hereafter die at a time when that employee was receiving or was entitled to receive retirement pay under section 763 of this title, as amended and supplemented, and

(2) the surviving spouse of the former employee was married to the former employee prior to the retirement of the former employee from the Lighthouse Service and has not remarried—

the surviving spouse, so long as the surviving spouse does not remarry, shall be paid \$100 per month by the Secretary of Transportation.

(Aug. 19, 1950, ch. 761, § 1, 64 Stat. 465; Pub. L. 85-351, § 1, Mar. 28, 1958, 72 Stat. 49; Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938; Pub. L. 90-163, § 1, Nov. 29, 1967, 81 Stat. 518; Pub. L. 90-167, § 1(a), Nov. 29, 1967, 81 Stat. 520; Pub. L. 98-557, § 15(b)(1), Oct. 30, 1984, 98 Stat. 2866.)

AMENDMENTS

1984—Pub. L. 98-557 substituted references to surviving spouse for references to widow.

1967—Pub. L. 90-167 struck out provision which exempted from coverage of this section widows of employees whose positions were classified in one of the grades of the professional and scientific service of the Classification Act of 1923, or a comparable grade of the Classification Act of 1949, or who performed duties of a position comparable to a position so classified after the enactment of law requiring the classification of such positions.

Pub. L. 90-163 substituted “\$100 per month” for “\$75 per month”.

1958—Pub. L. 85-351 substituted “\$75 per month” for “\$50 per month”.

EFFECTIVE DATE OF 1967 AMENDMENTS

Pub. L. 90-167, § 2, Nov. 29, 1967, 81 Stat. 520, provided that: “No payment shall be made by reason of the amendments made by this section [amending this section and section 772 of this title] for any period prior to the first day of the first month following the month in which this Act is enacted [Nov. 29, 1967].”

Pub. L. 90-163, § 1, Nov. 29, 1967, 81 Stat. 518, provided that the amendment made by that section is effective on the first day of the month following Nov. 29, 1967.

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-351, § 2, Mar. 28, 1958, 72 Stat. 49, provided that: “The amendments made by this Act [amending this section and section 772 of this title] shall take effect on the first day of the first month which begins after the date of the enactment of this Act [Mar. 28, 1958].”

EFFECTIVE DATE

Act Aug. 19, 1950, ch. 761, § 6, 64 Stat. 466, provided that: “No payment shall be made under this Act [enacting this section and sections 772 to 775 of this title] for any period prior to the first day of the first month following the month in which this Act is enacted.”

TRANSFER OF FUNCTIONS

Bureau of Lighthouses, of which Lighthouse Service was a part, transferred and consolidated with Coast Guard under Secretary of the Treasury by Reorg. Plan No. II of 1939, § 2(a), eff. July 1, 1939, 4 F.R. 2731, 33 Stat. 1432, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Secretary of the Treasury relating to Coast Guard transferred to 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.

INCREASE IN WIDOWS BENEFITS AND EFFECTIVE DATE OF INCREASE

Pub. L. 94-170, Dec. 23, 1975, 89 Stat. 1022, provided: “That the benefits payable under section 1 or section 2 of the Act of August 19, 1950 (64 Stat. 465, 466), as amended (33 U.S.C. 771, 772) shall, effective on the first day of the calendar month following enactment of this Act [Dec. 23, 1975], be increased by \$26 per month.

“SEC. 2. The increases under this Act shall apply to benefits which commence before, on, or after the date of enactment of this Act [Dec. 23, 1975], but no increase in benefits shall be paid for any period prior to the date of enactment of this Act [Dec. 23, 1975], or the date on which the eligibility for benefits commences, whichever is later.”

COST-OF-LIVING ADJUSTMENT TO WIDOW'S ANNUITY

Pub. L. 90-163, § 2, Nov. 29, 1967, 81 Stat. 518, provided that: “Each annuity payable under the Act entitled ‘An

Act to provide benefits for widows of certain persons who were retired or are eligible for retirement under section 6 of the Act entitled ‘An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes’, approved June 20, 1918, as amended’, approved August 19, 1950 (33 U.S.C. 771-775), and each annuity payable under section 6 of the Act entitled ‘An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes’, approved June 20, 1918 (33 U.S.C. 763), shall be increased by the same percentage, adjusted to the nearest dollar, and on the same effective date, as each increase hereafter allowed under the cost-of-living annuity adjustment provisions of section 8340(b) of title 5, United States Code.’’

§ 772. Death of employee due to non-service-connected causes after 15 years’ service; amount of payment

Where—

(1) any employee of the Lighthouse Service has died or shall hereafter die from non-service-connected causes after fifteen or more years of employment in such service, and

(2) the surviving spouse of the employee has not since remarried,

the surviving spouse, so long as the surviving spouse does not marry, shall be paid \$100 per month by the Secretary of Transportation.

(Aug. 19, 1950, ch. 761, § 2, 64 Stat. 466; Pub. L. 85-351, § 1, Mar. 28, 1958, 72 Stat. 49; Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938; Pub. L. 90-163, § 1, Nov. 29, 1967, 81 Stat. 518; Pub. L. 90-167, § 1(b), Nov. 29, 1967, 81 Stat. 520; Pub. L. 98-557, § 15(b)(2), Oct. 30, 1984, 98 Stat. 2866.)

AMENDMENTS

1984—Pub. L. 98-557 substituted references to surviving spouse for references to widow.

1967—Pub. L. 90-167 struck out provisions which exempted from coverage of this section widows of employees whose positions were classified in one of grades of professional and scientific service of Classification Act of 1923, or a comparable grade of Classification Act of 1949, or who performed duties of a position comparable to a position so classified after enactment of law requiring classification of such positions.

Pub. L. 90-163 substituted “\$100 per month” for “\$75 per month”.

1958—Pub. L. 85-351 substituted “\$75 per month” for “\$50 per month”.

EFFECTIVE DATE OF 1967 AMENDMENTS

Amendment by Pub. L. 90-167 effective for any period subsequent to the first day of the first month following Nov. 29, 1967, see section 2 of Pub. L. 90-167, set out as a note under section 771 of this title.

Pub. L. 90-163, § 1, Nov. 29, 1967, 81 Stat. 518, provided that the amendment made by that section is effective on the first day of the month following Nov. 29, 1967.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment effective Apr. 1, 1958, see section 2 of Pub. L. 85-351, set out as a note under section 771 of this title.

TRANSFER OF FUNCTIONS

Bureau of Lighthouses, of which Lighthouse Service was a part, transferred and consolidated with Coast Guard under Secretary of the Treasury by Reorg. Plan No. II of 1939, § 2(a), eff. July 1, 1939, 4 F.R. 2731, 33 Stat. 1432, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Secretary of the Treasury relating to Coast Guard transferred to 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.

INCREASE IN WIDOWS BENEFITS AND EFFECTIVE DATE OF INCREASE

For 1975 increase in widows benefits under this section and section 771 of this title, and effective date of such increase, see Pub. L. 94-170, Dec. 23, 1975, 89 Stat. 1022, set out as a note under section 771 of this title.

§ 773. Application for benefits

Application for the benefits of sections 771 to 775 of this title shall be made in such manner and form as the Director of the Office of Personnel Management shall prescribe.

(Aug. 19, 1950, ch. 761, § 3, 64 Stat. 466; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” substituted in text for “Civil Service Commission” pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 774. Rules and regulations

The Director of the Office of Personnel Management shall perform, or cause to be performed, such acts, and shall make such rules and regulations, as may be necessary or proper to carry out the provisions of sections 771 to 775 of this title.

(Aug. 19, 1950, ch. 761, § 4, 64 Stat. 466; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” substituted in text for “Civil Service Commission” pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 775. Payments nonassignable and exempt from process

No payment under sections 771 to 775 of this title shall be assignable, either in law or in equity, or be subject to execution, levy, lien, attachment, garnishment, or other legal process.

(Aug. 19, 1950, ch. 761, § 5, 64 Stat. 466.)

§ 776. Payment out of Civil Service Retirement and Disability Fund

Annuities authorized by sections 771 to 775 of this title may, on and after December 23, 2011, be