

Section 762, act Mar. 3, 1915, ch. 81, § 8, 38 Stat. 928, related to wrongful interference with private aids to navigation and penalty. See section 543 of Title 14.

#### 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.

### § 763. Retirement for age of officers and employees generally; retirement pay; waiver of retirement pay

All officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continuously employed in district offices or shop, who (1) shall have reached the age of fifty-five years, after having been thirty years in the active service of the Government, (2) shall have reached the age of sixty-two years, after having been twenty-five years in the active service of the Government, or (3) are involuntarily separated from further performance of duty, except by removal for cause on charges of misconduct or delinquency, after completing twenty-five years in the active service of the Government, or after completing twenty years of such service and after reaching the age of fifty years, may at their option be retired from further performance of duty; and all such officers and employees who shall have reached the age of seventy years shall be compulsorily retired from further performance of duty: *Provided*, That the annual compensation of persons so retired shall be a sum equal to one-fortieth of the average annual pay received for the last three years of service for each year of active service in the Lighthouse Service, or in a department or branch of the Government having a retirement system, not to exceed in any case thirty-fortieths of such average annual pay received: *Provided further*, That the retirement pay computed under the preceding proviso for any such officer or employee retiring under clause (3) shall be reduced by one-sixth of 1 per centum for each full month the officer or employee is under fifty-five years of age at the date of retirement: *Provided further*, That such retirement pay shall not include any amount on account of subsistence or other allowance: *Provided further*, That the retirement provisions and pay shall not apply to persons in the field service of the Lighthouse Service whose duties do not require substantially all their time. Any person entitled to retirement pay under this section may decline to accept all or any part of such retirement pay by a waiver signed and filed with the Secretary of the Treasury. Such waiver may be revoked in writing at any time, but no payment of the retirement pay waived shall be made covering the period during which such waiver was in effect.

(June 20, 1918, ch. 103, § 6, 40 Stat. 608; Nov. 4, 1918, ch. 201, § 1, 40 Stat. 1036; June 21, 1955, ch. 170, § 1, 69 Stat. 166; Pub. L. 85-142, Aug. 14, 1957, 71 Stat. 365; Pub. L. 90-164, § 1, Nov. 29, 1967, 81 Stat. 519; Pub. L. 92-455, § 6(a), Oct. 2, 1972, 86 Stat. 761.)

#### CODIFICATION

Except for the last proviso this section was from act June 20, 1918. The last proviso was from act Nov. 4, 1918, the First Deficiency Appropriation Act, 1919.

#### AMENDMENTS

1972—Pub. L. 92-455 inserted cl. (3), substituted “three” for “five” years of service in first proviso, and inserted proviso for reduction of retirement pay computed under cl. (3) by one-sixth of 1 per centum for each full month the officer or employee is under fifty-five years of age at the date of retirement.

1967—Pub. L. 90-164 lowered voluntary retirement age from sixty to fifty-five years for those officers and employees having thirty years of active service.

1957—Pub. L. 85-142 inserted provisions allowing waiver of retirement pay.

1955—Act June 21, 1955, permitted retirement of officers and employees who have attained 60 years of age and have served for 30 years, or who have reached 62 years of age and have served for 25 years.

#### EFFECTIVE DATE OF 1972 AMENDMENT

Pub. L. 92-455, § 6(b), Oct. 2, 1972, 86 Stat. 761, provided that: “The amendments made by subsection (a) of this section [amending this section] shall apply with respect to officers and employees to which such section 6 [amending this section] applies who are involuntarily separated or retired on or after the date of the enactment of this Act [Oct. 2, 1972].”

#### EFFECTIVE DATE OF 1967 AMENDMENT

Pub. L. 90-164, § 2, Nov. 29, 1967, 81 Stat. 519, provided that: “The amendment made by this Act [amending this section] shall take effect on the first day of the second month which begins after the date of enactment of this Act [Nov. 29, 1967].”

#### EFFECTIVE DATE OF 1955 AMENDMENT

Act June 21, 1955, ch. 170, § 2, 69 Stat. 167, provided that: “This Act [amending this section] shall take effect on the first day of the second month beginning after the date of enactment of this Act [June 21, 1955].”

#### 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 former sections 1 and 3 (now 101 and 103) 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 former section 3 (now 103) 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.

#### INCREASE OF PAY OF PERSONS RETIRED ON OR BEFORE OCTOBER 1, 1972

Pub. L. 94-178, Dec. 23, 1975, 89 Stat. 1033, provided: “That the annual rate of retired pay received by a per-

son under section 6 of the Act of June 20, 1918, as amended and supplemented (33 U.S.C. 736-765), who was retired on or before October 1, 1972, shall, effective on the first day of the calendar month following enactment of this Act [Dec. 23, 1975], be increased by \$270."

#### INCREASE OF PAY OF PERSONS RETIRED PRIOR TO 1967

Pub. L. 90-165, Nov. 29, 1967, 81 Stat. 519, provided: "That effective on the first day of the first month which begins after the date of enactment of this Act [Nov. 29, 1967], the annual rate of retired pay of a person retired under section 6 of the Act of June 20, 1918 (33 U.S.C. 763), shall be increased by 11.3 per centum if such person retired prior to January 1, 1966, or by 4.1 per centum if such person retired after December 31, 1965, but before January 1, 1967."

#### INCREASE OF PAY OF PERSONS RETIRED PRIOR TO 1963

Pub. L. 89-201, Sept. 25, 1965, 79 Stat. 834, provided: "That the annual rate of retired pay of each person retired prior to January 1, 1963, under section 6 of the Act of June 20, 1918, as amended and supplemented [this section], shall be increased by 6.5 per centum, effective on the first day of the first calendar month following the date of enactment of this Act [Sept. 25, 1965]."

#### INCREASE OF PAY OF PERSONS RETIRED PRIOR TO 1958

Pub. L. 86-361, Sept. 22, 1959, 73 Stat. 643, provided: "That the annual rate of retired pay of each person retired prior to January 1, 1958, under section 6 of the Act of June 20, 1918, as amended and supplemented [this section], shall be increased, effective on the first day of the first calendar month following the date of enactment of this Act [Sept. 22, 1959], by 10 per centum, or \$150 per annum, whichever is the greater."

#### INCREASE OF PAY OF PERSONS RETIRED PRIOR TO 1953

Act Aug. 27, 1954, ch. 1010, 68 Stat. 878, as amended May 11, 1955, ch. 36, 69 Stat. 47, provided: "That the annual 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.

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—
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.

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