

SUBCHAPTER III—LIGHTHOUSE SERVICE

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8215(c)(1), Jan. 1, 2021, 134 Stat. 4651, redesignated subchapter II of this chapter as this subchapter.

2018—Pub. L. 115-282, title I, § 114(c)(2), Dec. 4, 2018, 132 Stat. 4225, inserted subchapter II designation and heading.

§ 2531. Personnel of former Lighthouse Service

(a) Any individual of the former Lighthouse Service commissioned as an officer in the Coast Guard shall be an extra number in his grade and in the grades to which he may be promoted. He shall take precedence (1) with other officers commissioned in his grade from the former Lighthouse Service as the Secretary of the Treasury may determine, and (2) with other line officers in his grade in accordance with the respective dates of their commissions in such grade. He shall be eligible for promotion, if otherwise qualified, at such time as the officer in a regular number in line of promotion next above him on the seniority list becomes eligible for promotion; or if there be no such officer in his grade, he shall be eligible for promotion, if otherwise qualified, when a vacancy occurs in the next higher grade. An officer so commissioned shall be assigned to duty for which he is specially qualified, and professional examinations for promotion given to such officer shall embrace only subjects which pertain to the duty to which he is assigned.

(b) Each vacancy (1) hereafter occurring in the extra numbers of such officers; (2) existing on August 5, 1939, in positions in the Lighthouse Service formerly held by personnel eligible for such commissions; and (3) created by the retirement, resignation, death, or separation from the service for any other cause, of such personnel who do not possess the qualifications prescribed by the Secretary of the Treasury or who, being qualified, do not accept a commission thereunder, shall operate to increase by one the total authorized number of line officers of the Coast Guard.

(c) All individuals of the former Lighthouse Service commissioned, appointed, or enlisted in the Coast Guard shall be subject to all laws and regulations for the government of the Coast Guard, and nothing contained in this title shall be construed to prevent the application to any of such individuals of laws and regulations concerning the military discipline of commissioned and warrant officers and enlisted members of the Coast Guard.

(d) In computing length of service, for the purpose of retirement in the Coast Guard, of any individual of the former Lighthouse Service commissioned, appointed, or enlisted in the Coast Guard, there shall be included all service computable for retirement under the provisions of section 763 of title 33; and after July 1, 1948, in computing longevity for the purpose of pay of such individual there shall be included all service of such individual in the Lighthouse Service.

(e) No individual so commissioned, appointed, or enlisted in the Coast Guard shall suffer any

reduction in the total of the annual compensation and allowances which he was receiving on the date of his commission, appointment, or enlistment. Upon his retirement from active duty in the Coast Guard, the retired pay of any individual so commissioned, appointed, or enlisted, shall not be less than an annuity computed in accordance with the provisions of section 763 of title 33, substituting, however, for purposes of such computation, the annual compensation which he was receiving on the date of his commission, appointment, or enlistment in the Coast Guard for the average annual pay received by him for the last five years of service.

(f) Notwithstanding any other provision of law, chapter 51, subchapter III of chapter 53, and sections 5542-5546 of title 5 shall not apply to civilian keepers of lighthouses and to civilians employed on lightships and other vessels of the Coast Guard.

(g)(1) The head of the department in which the Coast Guard is operating under regulations prescribed by him, may regulate the hours of duty and the pay of civilian keepers of lighthouses and civilians employed on lightships and other vessels of the Coast Guard, but such personnel may be called upon for duty in emergency circumstances or otherwise at any time or all times. The existing system governing the pay of such employees may be continued or changed except that overtime compensation, night differential, and extra pay for duty on holidays shall not be paid to such employees. In lieu thereof additional annual compensation may be authorized, which may be prescribed either as a fixed differential or as a percentage of the basic compensation otherwise applicable to such employees. In no case shall basic compensation exceed \$15,000 per annum, except that nothing contained in this subsection shall operate to decrease the basic compensation of any individual employed by the Coast Guard on the date of enactment of this subsection, and in no case shall additions thereto exceed 25 percent of such basic compensation. Provision may be made for compensatory absence from duty when conditions of employment result in confinement because of isolation or in long periods of continuous duty; and provisions may likewise be made for extra allowance for service outside of the continental limits of the United States.

(2) The additional compensation authorized by this subsection shall be included in any computation of compensation under section 6 of the Act of June 20, 1918 (33 U.S.C. 763).

(Aug. 4, 1949, ch. 393, 63 Stat. 526, § 432; Aug. 9, 1955, ch. 650, §§ 1, 2, 69 Stat. 577; Pub. L. 86-309, Sept. 21, 1959, 73 Stat. 585; Pub. L. 91-278, § 1(10), June 12, 1970, 84 Stat. 305; Pub. L. 96-23, § 5(a), June 13, 1979, 93 Stat. 68; Pub. L. 97-295, § 2(11), (13), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 98-557, § 15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-640, § 10(a)(7), Nov. 10, 1986, 100 Stat. 3549; renumbered § 2531, Pub. L. 115-282, title I, § 114(b), Dec. 4, 2018, 132 Stat. 4223; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(a)(21), Jan. 1, 2021, 134 Stat. 4748.)

HISTORICAL AND REVISION NOTES

The following statement appeared in Senate Report No. 656, 81st Congress, in explanation of Senate Judici-

ary Committee amendment no. 3 which added former sections 431 (now repealed), 432 (now 2531), and 433 (now repealed):

There are, at present, in the Coast Guard certain personnel who were transferred from the former Life Saving Service, the Lighthouse Service, the Bureau of Marine Inspection and Navigation, and the Bureau of Customs. The number of such personnel is not large and no new personnel can be taken on in these categories. As time goes on the numbers will be reduced by death or resignation and any other method of leaving the service until, eventually, there will be no one remaining in any of these groups. Certain laws appearing in existing title 14 applicable to such personnel were not included in this bill as it passed the House. The reason for such omission was that such laws were temporary in that they would eventually apply to no one, although no definite termination date was fixed in the law. While recognizing this fact, this committee feels that since said laws apply to a class of personnel and will so apply for an indeterminate period in the future, it is desirable to include such laws in this codification, subject to being repealed at such time as there are no longer any personnel in the Coast Guard, active or retired, to whom these sections would be applicable.

Proposed section 432(a) is based on title 14, U.S.C., 1946 ed., § 10g (Aug. 5, 1939, ch. 477, § 2, 53 Stat. 1216).

Proposed section 432(b) is based on title 14, U.S.C., 1946 ed., § 10h (Aug. 5, 1939, ch. 477, § 3, 53 Stat. 1216).

Proposed section 432(c) is based on title 14, U.S.C., 1946 ed., § 50 (Aug. 5, 1939, ch. 477, § 8, 53 Stat. 1217).

Proposed section 432(d) is based on title 14, U.S.C., 1946 ed., § 180 (Aug. 5, 1939, ch. 477, § 6, 53 Stat. 1217; June 24, 1948, ch. 627, 62 Stat. 644).

Proposed section 432(e) is based on title 14, U.S.C., 1946 ed., § 181 (Aug. 5, 1939, ch. 477, § 7, 53 Stat. 1217).

Proposed section 432(f) is based on section 1 of Public Law 143, 81st Congress, approved June 29, 1949.

Proposed section 432(g) is based on sections 2 and 3 of Public Law 143, 81st Congress, approved June 29, 1949.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (g)(1), is Aug. 4, 1949.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, § 8505(a)(21)(A), substituted “individual” for “person”.

Subsec. (c). Pub. L. 116-283, § 8505(a)(21)(B), substituted “individuals” for “persons” in two places.

Subsec. (d). Pub. L. 116-283, § 8505(a)(21)(A), substituted “individual” for “person” wherever appearing.

Subsec. (e). Pub. L. 116-283, § 8505(a)(21)(A), substituted “individual” for “person” in two places.

Subsec. (g)(1). Pub. L. 116-283, § 8505(a)(21)(A), substituted “individual” for “person”.

2018—Pub. L. 115-282 renumbered section 432 of this title as this section.

1986—Subsec. (g). Pub. L. 99-640 designated existing provisions as par. (1), struck out last par. relating to inclusion of additional compensation in computations of compensation for purposes of the Lighthouse Service Retirement Act, and added par. (2).

1984—Subsec. (c). Pub. L. 98-557 substituted reference to enlisted members for reference to enlisted men.

1982—Subsec. (f). Pub. L. 97-295, § 2(13), substituted “chapter 51, subchapter III of chapter 53, and sections 5542-5546 of title 5” for “the civil service classification laws and titles II and III of the Federal Employees Pay Act of 1945 as amended”.

Subsec. (g). Pub. L. 97-295, § 2(11), substituted “percent” for “per centum”.

1979—Subsec. (g). Pub. L. 96-23 substituted “\$15,000” for “\$7,500”.

1970—Subsec. (g). Pub. L. 91-278 substituted “\$7,500” for “\$5,100”.

1959—Subsec. (g). Pub. L. 86-309 substituted “\$5,100” for “\$3,750”.

1955—Subsec. (f). Act Aug. 9, 1955, § 1, inserted “as amended”.

Subsec. (g). Act Aug. 9, 1955, § 2, authorized head of department in which the Coast Guard is operating to regulate hours of duty and pay.

Statutory Notes and Related Subsidiaries

RETROACTIVE PAY

Pub. L. 96-23, § 5(b), June 13, 1979, 93 Stat. 69, provided that the Coast Guard could issue retroactive pay to its remaining civilian lighthouse keepers to compensate for the higher General Schedule salary rate over a statutory limitation of \$7,500 on annual salary.

§ 2532. Retirement of employees

(a) **OPTIONAL RETIREMENT.**—Except as provided in subsections (d) and (e), a covered employee may retire from further performance of duty if such officer or employee—

(1) has completed 30 years of active service in the Government and is at least 55 years of age;

(2) has completed 25 years of active service in the Government and is at least 62 years of age; or

(3) is involuntarily separated from further performance of duty, except by removal for cause on charges of misconduct or delinquency, after completing 25 years of active service in the Government, or after completing 20 years of such service and if such employee is at least 50 years of age.

(b) **COMPULSORY RETIREMENT.**—A covered employee who becomes 70 years of age shall be compulsorily retired from further performance of duty.

(c) **RETIREMENT FOR DISABILITY.**—

(1) **IN GENERAL.**—A covered employee who has completed 15 years of active service in the Government and 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 of such officer or employee, shall be retired.

(2) **RESTORATION TO ACTIVE DUTY.**—Any individual retired under paragraph (1) may, upon recovery, be restored to active duty, and shall from time to time, before reaching the age at which such individual may retire under subsection (a), be reexamined by a medical officer of the United States upon the request of the Secretary of the department in which the Coast Guard is operating.

(d) **ANNUAL COMPENSATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), The annual compensation of a person retired under this section shall be a sum equal to one-fortieth of the average annual pay received for the last 3 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 thirty-fortieths of such average annual pay received.

(2) **RETIREMENT BEFORE 55.**—The retirement pay computed under paragraph (1) for any officer or employee retiring under this section shall be reduced by one-sixth of 1 percent for each full month the officer or employee is under 55 years of age at the date of retirement.