

**§ 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.)

**Statutory Notes and Related Subsidiaries**

## TRANSFER OF FUNCTIONS

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.

**Executive Documents**

## 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.

**§ 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.)

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**§§ 767 to 769. Repealed. Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561**

Section 767, acts Mar. 3, 1915, ch. 81, §7, 38 Stat. 928; June 20, 1918, ch. 103, §7, 40 Stat. 608, related to administration of oaths to employees of Lighthouse Service.

Section 768, acts Aug. 24, 1912, ch. 355, §8, 37 Stat. 487; Mar. 3, 1915, ch. 81, §7, 38 Stat. 928; June 20, 1918, ch. 103, §7, 40 Stat. 608; June 6, 1939, ch. 185, 53 Stat. 810, related to oaths to expense accounts.

Section 769, act Feb. 25, 1929, ch. 313, §3, 45 Stat. 1262, related to aids to navigation in Panama. See section 541 of Title 14, Coast Guard.

**Statutory Notes and Related Subsidiaries**

## 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.

**§ 770. Repealed. Pub. L. 116-283, div. G, title LVXXXV [LXXXVI], § 8512(a)(14), Jan. 1, 2021, 134 Stat. 4759**

Section, act 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, related to regulations for expenditure of moneys accruing from commutation of rations and provisions.

**§ 771. Repealed. Pub. L. 116-283, div. G, title LVXXXV [LXXXVI], § 8512(a)(15), Jan. 1, 2021, 134 Stat. 4759**

Section, act 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, related to benefits for surviving spouses of Lighthouse Service employees, death of employee during retirement, and amount of payment.

**Statutory Notes and Related Subsidiaries**

## SAVINGS

For continuation of benefit payments notwithstanding repeals made by section 8512 of Pub. L. 116-283, see section 8512(b)(1) of Pub. L. 116-283, set out as a note under section 725 of this title.

## 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.”

#### TRANSFER OF FUNCTIONS

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.

#### Executive Documents

##### 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.

#### § 772. Repealed. Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8512(a)(15), Jan. 1, 2021, 134 Stat. 4759

Section, 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, related to death of employee due to non-service-connected causes after 15 years' service and amount of payment to surviving spouse.

#### Statutory Notes and Related Subsidiaries

##### SAVINGS

For continuation of benefit payments notwithstanding repeals made by section 8512 of Pub. L. 116-283, see section 8512(b)(1) of Pub. L. 116-283, set out as a note under section 725 of this title.

#### § 773. Transferred

##### Editorial Notes

###### CODIFICATION

Section, act Aug. 19, 1950, ch. 761, § 3, 64 Stat. 466, which related to application for benefits for surviving

spouses of Lighthouse Service employees and employee death benefits, was transferred to section 2534(a) of Title 14, Coast Guard.

#### § 774. Transferred

##### Editorial Notes

###### CODIFICATION

Section, Aug. 19, 1950, ch. 761, § 4, 64 Stat. 466, which related to rules and regulations necessary to carry out benefit provisions, was transferred to section 2534(b) of Title 14, Coast Guard.

#### § 775. Payments nonassignable and exempt from process

No payment under sections 771 to 775<sup>1</sup> 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.)

##### Editorial Notes

###### REFERENCES IN TEXT

Sections 771 and 772 of this title, referred to in text, were repealed by Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8512(a)(15), Jan. 1, 2021, 134 Stat. 4759. Section 773 of this title, referred to in text, was transferred to section 2534(a) of Title 14, Coast Guard, by Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8511(b)(2)(A), Jan. 1, 2021, 134 Stat. 4758. Section 774 of this title, referred to in text, was transferred to section 2534(b) of Title 14 by Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8511(b)(3)(A), Jan. 1, 2021, 134 Stat. 4758.

#### § 776. Transferred

##### Editorial Notes

###### CODIFICATION

Section, Pub. L. 112-74, div. C, title V, Dec. 23, 2011, 125 Stat. 919, which related to payment of certain annuities out of the Civil Service Retirement and Disability Fund, was transferred to section 2534(c) of Title 14, Coast Guard.

### CHAPTER 17—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

#### SUBCHAPTER I—GENERAL PROVISIONS

##### Sec.

- 851 to 852b. Repealed or Omitted.
- 853. Power to settle claims.
- 853a to 853o. Repealed.
- 853o-1. Credit of service as deck officer or junior engineer and certain other active service for retirement and retirement pay.
- 853p to 854. Repealed.
- 854a. Service credit as deck officer or junior engineer for promotion purposes.
- 854a-1. Temporary appointment or advancement of commissioned officers in time of war or national emergency.
- 854a-2. Pay and allowances; date of acceptance of promotion.
- 854b to 857-12. Repealed.
- 857-13. National Advisory Committee on Oceans and Atmosphere.
- 857-14. Membership.
- 857-15. Reports.
- 857-16. Compensation and travel expenses.
- 857-17. Interagency cooperation and assistance.
- 857-18. Authorization of appropriations.

<sup>1</sup> See References in Text note below.