

## 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.

## CHAPTER 10—PAYMENTS TO MISSING PERSONS

|       |  |
|-------|--|
| Sec.  |  |
| 551.  | Definitions.   |
| 552.  | Pay and allowances; continuance while in a missing status; limitations.  |
| 553.  | Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations. |
| [554. | Repealed.]   |
| 555.  | Secretarial review.  |
| 556.  | Secretarial determinations.  |
| 557.  | Settlement of accounts.  |
| 558.  | Income tax deferment.  |
| 559.  | Benefits for members held as captives.   |

## AMENDMENTS

2013—Pub. L. 112-239, div. A, title X, § 1076(a)(8), Jan. 2, 2013, 126 Stat. 1948, made technical amendment to directory language of Pub. L. 112-81, § 631(f)(3)(B). See 2011 Amendment note below.

2011—Pub. L. 112-81, div. A, title VI, § 631(f)(3)(B), Dec. 31, 2011, 125 Stat. 1465, as amended by Pub. L. 112-239, div. A, title X, § 1076(a)(8), Jan. 2, 2013, 126 Stat. 1948, struck out item 554 “Travel and transportation; dependents; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable”.

1990—Pub. L. 101-510, div. A, title XIV, § 1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.

1986—Pub. L. 99-399, title VIII, § 806(a)(2), Aug. 27, 1986, 100 Stat. 885, added item 559.

1972—Pub. L. 92-477, § 1(1), Oct. 9, 1972, 86 Stat. 793, inserted “trailers; additional movements;” after “household and personal effects;” in item 554.

1966—Pub. L. 89-554, § 5(b), Sept. 6, 1966, 80 Stat. 625, added chapter 10 and items 551 to 558.

## § 551. Definitions

In this chapter:

(1) The term “dependent”, with respect to a member of a uniformed service, means—

- (A) his spouse;
- (B) his unmarried child (including an unmarried dependent stepchild or adopted child) under 21 years of age;
- (C) his dependent mother or father;
- (D) a dependent designated in official records; and
- (E) a person determined to be dependent by the Secretary concerned, or his designee.

(2) The term “missing status” means the status of a member of a uniformed service who is officially carried or determined to be absent in a status of—

- (A) missing;
- (B) missing in action;
- (C) interned in a foreign country;
- (D) captured, beleaguered, or besieged by a hostile force; or
- (E) detained in a foreign country against his will.

- (3) The term “pay and allowances” means—
- (A) basic pay;
  - (B) special pay;
  - (C) incentive pay;
  - (D) basic allowance for housing;
  - (E) basic allowance for subsistence; and
  - (F) station per diem allowances for not more than 90 days.

(Added Pub. L. 89-554, § 5(b), Sept. 6, 1966, 80 Stat. 625; amended Pub. L. 99-145, title XIII, § 1301(g), Nov. 8, 1985, 99 Stat. 737; Pub. L. 100-26, § 8(e)(10), Apr. 21, 1987, 101 Stat. 287; Pub. L. 105-85, div. A, title VI, § 603(d)(1)(D), Nov. 18, 1997, 111 Stat. 1782.)

## HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code)   | Source (Statutes at Large)   |
|-----------------|--|--|
| 551(1) .....    | 50 App. 1001.  | Mar. 7, 1942, ch. 166, § 1, 56 Stat. 143; July 1, 1944, ch. 371, § 1, 58 Stat. 679; Aug. 14, 1964, Pub. L. 88-428, § 1(1), (2), 78 Stat. 437.  |
| 551(2) .....    | 50 App. 1002(a) (22d through 66th words of 1st sentence, for definition purposes).   | Mar. 7, 1942, ch. 166, § 2(a) (22d through 66th and 96th through 120th words of 1st sentence, for definition purposes); added July 1, 1944, ch. 371, § 2, 58 Stat. 679; Apr. 4, 1953, ch. 17, § 1(a), 67 Stat. 21; Aug. 29, 1957, Pub. L. 85-217, § 1(b) (1st par.), 71 Stat. 491; Aug. 14, 1964, Pub. L. 88-428, § 1(3)(A), 78 Stat. 437. |
| 551(3) .....    | 50 App. 1002(a) (96th through 120th words of 1st sentence, for definition purposes). |  |

Only that portion of the source law which is applicable to members of the uniformed services and their dependents is codified in this section.

The words “In this chapter” are substituted for “For the purpose of this Act”.

In clause (1), the words “with respect to a member of a uniformed service” are inserted for clarity. In clause (1)(A), the word “lawful” is omitted as unnecessary in view of the accepted recognition of the fact that the word “wife” means a lawful wife. In clause (1)(E), the words “Secretary concerned, or his designee” are substituted for “head of the department concerned, or subordinate designated by him” to conform to the definition in 37 U.S.C. 101(5). The definitions of “person”, “active service”, and “department”, respectively, in 50 App. U.S.C. 1001(a)(1), (b), and (d) are omitted as unnecessary in view of the definitions of “member”, “uniformed services”, “active service”, and “Secretary concerned”, in 37 U.S.C. 101(3), (5), (20), and (23).

The definitions in clauses (2) and (3), which do not appear in, but are based on, the source law are created for legislative convenience.

## AMENDMENTS

1997—Par. (3)(D). Pub. L. 105-85 substituted “housing” for “quarters”.

1987—Pub. L. 100-26 substituted “In this chapter:” for “In this chapter—”, inserted “The term” at beginning of pars. (1) to (3), and substituted period for semicolon at end of par. (1) and period for “; and” at end of par. (2).

1985—Par. (1)(A). Pub. L. 99-145 substituted “spouse” for “wife”.

## EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105-85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

**§ 552. Pay and allowances; continuance while in a missing status; limitations**

(a) A member of a uniformed service who is on active duty or performing inactive-duty training, and who is in a missing status, is—

(1) for the period he is in that status, entitled to receive or have credited to his account the same pay and allowances, as defined in this chapter, to which he was entitled at the beginning of that period or may thereafter become entitled; and

(2) for the period, not to exceed one year, required for his hospitalization and rehabilitation after termination of that status, under regulations prescribed by the Secretaries concerned, with respect to incentive pay, considered to have satisfied the requirements of section 301 of this title so as to entitle him to a continuance of that pay.

However, a member who is performing full-time training duty or other full-time duty without pay, or inactive-duty training with or without pay, is entitled to the pay and allowances to which he would have been entitled if he had been on active duty with pay. Notwithstanding section 1523 of title 10 or any other provision of law, the promotion of a member while he is in a missing status is fully effective for all purposes.

(b) The expiration of a member's term of service while he is in a missing status does not end his entitlement to pay and allowances under subsection (a). Notwithstanding the death of a member while in a missing status, entitlement to pay and allowances under subsection (a) ends on the date—

(1) the Secretary concerned receives evidence that the member is dead; or

(2) that his death is prescribed or determined under section 555 of this title or under chapter 76 of title 10.

(c) A member is not entitled to pay and allowances under subsection (a) for a period during which he is officially determined to be absent from his post of duty without authority, and he is indebted to the United States for payments from amounts credited to his account for that period.

(d) A member who is performing full-time training duty or inactive-duty training is entitled to the benefits of this section only when he is officially determined to be in a missing status that results from the performance of duties prescribed by competent authority.

(e) A member in a missing status who is continued in that status under section 555 of this title or under chapter 76 of title 10 is entitled to be credited with pay and allowances under subsection (a).

(Added Pub. L. 89-554, §5(b), Sept. 6, 1966, 80 Stat. 625; amended Pub. L. 92-169, §1, Nov. 24, 1971, 85 Stat. 489; Pub. L. 92-482, Oct. 12, 1972, 86 Stat. 796; Pub. L. 93-26, §1, Apr. 27, 1973, 87 Stat. 26; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104-106, div. A, title V, §569(c)(2), Feb. 10, 1996, 110 Stat. 351.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code)  | Source (Statutes at Large)   |
|-----------------|---|--|
| 552(a) .....    | 50 App. 1002(a) (1st sentence, less last 46 words).<br><br>50 App. 1014 (as applicable to §1002(a) (1st sentence)). | Mar. 7, 1942, ch. 166, §2(a); added July 1, 1944, ch. 371, §2, 58 Stat. 679; Apr. 4, 1953, ch. 17, §1(a), 67 Stat. 21; Aug. 29, 1957, Pub. L. 85-217, §1(b) (1st par.), 71 Stat. 491; Aug. 14, 1964, Pub. L. 88-428, §1(3), 78 Stat. 437.<br>Mar. 7, 1942, ch. 166, §14 (as applicable to §2(a) (1st and last sentences)), 56 Stat. 147; Apr. 4, 1953, ch. 17, §1(e), 67 Stat. 21. |
| 552(b) .....    | 50 App. 1002(a) (last 46 words of 1st sentence, and 2d sentence).   |  |
| 552(c) .....    | 50 App. 1002(a) (3d sentence).  |  |
| 552(d) .....    | 50 App. 1002(a) (last sentence).<br>50 App. 1014 (as applicable to §1002(a) (last sentence)).                       |  |
| 552(e) .....    | 50 App. 1006 (2d sentence as applicable to pay and allowances).   | Mar. 7, 1942, ch. 166, §6 (2d sentence, as applicable to pay and allowances); added Dec. 24, 1942, ch. 828, §1 (4th par.), 56 Stat. 1093; Aug. 14, 1964, Pub. L. 88-428, §1(5)(B), 78 Stat. 437.   |

Only that portion of the source law which is applicable to members of the uniformed services and their dependents is codified in this section.

In subsection (a), the first 22 words are substituted for 50 App. U.S.C. 1002(a) (1st 66 words) to conform to the definitions in 37 U.S.C. 101(3), (18), (20), (22), and (23) and revised section 551(2) of this chapter. The words "pay and allowances, as defined in this chapter," are substituted for the enumeration of pay and allowances in 50 App. U.S.C. 1002(a) (1st sentence) to conform to the definition in revised section 551(3) of this chapter. The words "on active duty" are substituted for "performing full-time active duty" to conform to the definition in 37 U.S.C. 101(18).

In subsection (b), the first sentence is substituted for 50 App. U.S.C. 1002(a) (1st 21 words of 2d sentence). The words "or employment" are omitted as inapplicable to members of the uniformed services. The words "entitlement to pay and allowances under subsection (a) of this section" are substituted for "Such entitlement to pay and allowances" for clarity. The words "Notwithstanding the death of a member while in a missing status" are substituted for 50 App. U.S.C. 1002(a) (2d sentence, less 1st 21 words). The word "member" is substituted for "person" and the word "Secretary" is substituted for "department" to conform to the definitions in 37 U.S.C. 101(5) and (23).

In subsection (c), the words "A member" are substituted for "such person". The words "under subsection (a) of this section" are inserted for clarity. The words "United States" are substituted for "Government" to conform to the style of title 37.

In subsection (d), the words "A member . . . he . . . in a missing status" are substituted for "Persons", "such persons", and the enumerated absent stata to conform to the definitions in 37 U.S.C. 101(23) and revised section 551(2) of this chapter.

In subsection (e), the words "A member in a missing status" are substituted for "a person missing under the conditions specified in section 2 of this Act" to conform to the definition in revised section 551(2) of this chapter. The words "under subsection (a) of this section" are substituted for "as provided in section 2 of this Act".

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-106, §569(c)(2)(A), substituted "for all purposes" for "for all purposes, even