

though the Secretary concerned determines under section 556(b) of this title that the member died before the promotion was made”.

Subsec. (b)(2). Pub. L. 104-106, § 569(c)(2)(B), inserted “or under chapter 76 of title 10” before period at end.

Subsec. (e). Pub. L. 104-106, § 569(c)(2)(C), inserted “or under chapter 76 of title 10” after “section 555 of this title”.

1991—Subsecs. (b), (c), (e). Pub. L. 102-25 struck out “of this section” after “subsection (a)” wherever appearing.

1973—Subsec. (a). Pub. L. 93-26 provided for full effectiveness for all purposes of promotion of a member while he is in a missing status notwithstanding a determination of the Secretary of death of the member before the making of the promotion.

1972—Subsec. (a). Pub. L. 92-482 designated existing provisions as cl. (1), added cl. (2), and struck out provisions relating to effectiveness of the promotion of a member of the uniformed services while he is in a missing status and the Secretary concerned determines under section 556(b) of this title that the member died before the promotion was made.

1971—Subsec. (a). Pub. L. 92-169 provided that promotion of a member of the uniformed services while he is in a missing status is fully effective for all purposes even though the Secretary concerned determines that the member died before the promotion was made.

EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-26, § 2, Apr. 27, 1973, 87 Stat. 26, provided that: “For the purposes of chapter 13 [§1301 et seq.] of title 38, United States Code, this Act [amending this section] becomes effective as of November 24, 1971. For all other purposes this Act becomes effective as of February 28, 1961.”

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-169 effective for the purposes of chapter 13 (§1301 et seq.) of Title 38, Veterans' Benefits, on Nov. 24, 1971, and for all other purposes effective as of Feb. 28, 1961, see section 3 of Pub. L. 92-169, set out as a note under section 1302 of Title 38.

§ 553. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations

(a) Notwithstanding the end of the period for which it was made, an allotment, including one for the purchase of United States savings bonds, made by a member of a uniformed service before he was in a missing status may be continued for the period he is entitled to pay and allowances under section 552 of this title.

(b) When there is no allotment in effect, or when it is insufficient for a purpose authorized by the Secretary concerned, he, or his designee, may authorize new allotments or increases in allotments that are warranted by the circumstances and payable for the period the member is entitled to pay and allowances under section 552 of this title.

(c) The total of all allotments from the pay and allowances of a member in a missing status may not be more than the amount of pay and allowances he is permitted to allot under regulations prescribed by the Secretary concerned.

(d) A premium paid by the United States on insurance issued on the life of a member which is unearned because it covers a period after his death reverts to the appropriation of the department concerned.

(e) Subject to subsections (f) and (g), the Secretary concerned, or his designee, may, when he

considers it in the interest of the member, his dependents, or the United States, direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of payments of allotments from the pay and allowances of a member entitled to pay and allowances under section 552 of this title.

(f) When the Secretary concerned officially reports that a member in a missing status is alive, the payments of allotments authorized by subsections (a)–(d) may, subject to section 552 of this title, be made until the date on which, in a case covered by section 555 of this title, the Secretary concerned receives evidence, or, in a case covered by chapter 76 of title 10, the Secretary concerned determines pursuant to that chapter, that the member is dead or has returned to the controllable jurisdiction of the department concerned.

(g) 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 have the payments of allotments authorized by subsections (a)–(d) continued, increased, or initiated.

(h) When the Secretary concerned considers it essential for the well-being and protection of the dependents of a member on active duty (other than a member entitled to pay and allowances under section 552 of this title), he may, with or without the consent, and subject to termination at the request, of the member—

(1) direct the payment of a new allotment from the pay of the member;

(2) increase or decrease the amount of an allotment made by the member; and

(3) continue payment of an allotment of the member which has expired.

(Added Pub. L. 89-554, § 5(b), Sept. 6, 1966, 80 Stat. 626; amended 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)(3), Feb. 10, 1996, 110 Stat. 351.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
553(a)	50 App. 1003 (1st sentence).	Mar. 7, 1942, ch. 166, § 3, 56 Stat. 144; Dec. 24, 1942, ch. 828, § 1 (1st par.), Stat. 1092; July 1, 1944, ch. 371, § 3, 58 Stat. 680.
553(b)	50 App. 1003 (2d sentence, less provisos).	
553(c)	50 App. 1003 (1st proviso of 2d sentence).	
553(d)	50 App. 1003 (2d proviso of 2d sentence)	
553(e)	50 App. 1004.	Mar. 7, 1942, ch. 166, § 4, 56 Stat. 144; Dec. 24, 1942, ch. 828, § 1 (2d par.), 56 Stat. 1093; July 1, 1944, ch. 371, § 4, 58 Stat. 680.
553(f)	50 App. 1006 (1st sentence).	Mar. 7, 1942, ch. 166, § 6 (1st sentence and 2d sentence, as applicable to allotments); added Dec. 24, 1942, ch. 828, § 1 (4th par.); 56 Stat. 1093; Apr. 4, 1953, ch. 17, § 1(b), 67 Stat. 21; Aug. 14, 1964, Pub. L. 88-428, § 1(5), 78 Stat. 437.
553(g)	50 App. 1014 (as applicable to §1006 (1st sentence)).	
553(h)	50 App. 1006 (2d sentence, as applicable to allotments).	Mar. 7, 1942, ch. 166, § 7, 56 Stat. 145; Aug. 14, 1964, Pub. L. 88-428, § 1(6), 78 Stat. 437.
553(h)	50 App. 1007.	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 6 (1st sentence)), 56 Stat. 147; Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.

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 words “a member of a uniformed service . . . in a missing status . . . he . . . under section 552 of this title” are substituted for “any person . . . under section 2 of this Act . . . his absence”, for clarity and to conform to the definition in revised section 551(2) of this chapter. The words “except as otherwise herein provided” are omitted as unnecessary.

In subsection (b), the words “Secretary concerned, he, or his designee,” are substituted for “head of the department concerned . . . head of the department concerned, or such subordinate as he may designate” to conform to the definition in 37 U.S.C. 101(5). The word “member” is substituted for “person” to conform to the definition in 37 U.S.C. 101(23).

In subsection (c), the words “in effect” are omitted as unnecessary. The words “member in a missing status” are substituted for “absent person” to conform to the definition in revised section 551(2) of this chapter.

In subsection (d), the words “United States” are substituted for “Government” to conform to the style of title 37. The word “member” is substituted for “person” to conform to the definition in 37 U.S.C. 101(23).

In subsection (e), the words “Secretary concerned, or his designee,” are substituted for “head of the department concerned, or such subordinates as he may designate,” to conform to the definition in 37 U.S.C. 101(5). The words “United States” are substituted for “Government” to conform to the style of title 37. The words “when he considers it” are substituted for “When circumstances are deemed to justify such action”. The word “member” is substituted for “person”.

In subsection (f), the words “When the Secretary concerned officially reports that a member in a missing status” are substituted for “When it is officially reported by the head of the department concerned that a person missing under the conditions specified in section 2 of this Act”. The words “the payments of allotments authorized by subsections (a)–(d) of this section may, subject to section 552 of this title . . . until the date the Secretary concerned” are substituted for “the payments authorized by section 3 of this Act are, subject to the provisions of section 2 of this Act, authorized to be made for a period not to extend beyond the date of the receipt by the head of the department concerned”. The words “the member” are substituted for “the missing person”.

In subsection (g), the words “A member in a missing status” are substituted for “a person missing under the conditions specified in section 2 of this Act”.

In subsection (h), the words “Secretary concerned” are substituted for “head of the department concerned.” The words “a member on active duty” are substituted for “of persons in active service” to conform to the definitions in 37 U.S.C. 101(20) and (23). In clause (2), the words “heretofore or hereafter” are omitted as unnecessary.

AMENDMENTS

1996—Subsec. (f). Pub. L. 104–106, § 569(c)(3)(A), substituted “the date on which, in a case covered by section 555 of this title, the Secretary concerned receives evidence, or, in a case covered by chapter 76 of title 10, the Secretary concerned determines pursuant to that chapter, that” for “the date the Secretary concerned receives evidence that”.

Subsec. (g). Pub. L. 104–106, § 569(c)(3)(B), inserted “or under chapter 76 of title 10” after “section 555 of this title”.

1991—Subsecs. (e) to (g). Pub. L. 102–25 struck out “of this section” after “subsections (f) and (g)” in subsec. (e) and after “subsections (a)–(d)” in subsecs. (f) and (g).

[§ 554. Renumbered § 484]

§ 555. Secretarial review

(a) Except as provided in subsection (d), when a member of a uniformed service entitled to pay and allowances under section 552 of this title has been in a missing status, and the official report of his death or of the circumstances of his absence has not been received by the Secretary concerned, he shall, before the end of a 12-month period in that status, have the case fully reviewed. After that review and the end of the 12-month period in a missing status, or after a later review which shall be made when warranted by information received or other circumstances, the Secretary concerned, or his designee, may—

- (1) if the member can reasonably be presumed to be living, direct a continuance of his missing status; or
- (2) make a finding of death.

(b) When a finding of death is made under subsection (a), it shall include the date death is presumed to have occurred for the purpose of—

- (1) ending the crediting of pay and allowances;
- (2) settlement of accounts; and
- (3) payment of death gratuities.

That date is—

- (A) the day after the day on which the 12-month period in a missing status ends; or
- (B) if the missing status has been continued under subsection (a), the day determined by the Secretary concerned, or his designee.

(c) For the sole purpose of determining status under this section, a dependent of a member on active duty is treated as if he were a member. Any determination made by the Secretary concerned, or his designee, under this section is conclusive on all other departments and agencies of the United States. This subsection does not entitle a dependent to pay, allowances, or other compensation to which he is not otherwise entitled.

(d) This section does not apply in a case to which section 1502 of title 10 applies.

(Added Pub. L. 89–554, § 5(b), Sept. 6, 1966, 80 Stat. 628; amended 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)(1), Feb. 10, 1996, 110 Stat. 351.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
555(a)	50 App. 1005 (1st and 2d sentences).	Mar. 7, 1942, ch. 166, § 5, 56 Stat. 145; Dec. 24, 1942, ch. 828, § 1 (3d par.), 56 Stat. 1093; Aug. 14, 1964, Pub. L. 88–428, § 1(4), 78 Stat. 437.
	50 App. 1014 (as applicable to § 1005 (1st sentence)).	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 5 (1st sentence)), 56 Stat. 147; Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
555(b)	50 App. 1005 (less 1st and 2d sentences).	
555(c)	50 App. 1009(b) (as applicable to § 1005).	Mar. 7, 1942, ch. 166, § 9(b) (as applicable to § 5); added Aug. 29, 1957, Pub. L. 85–217, § 1(c), 71 Stat. 492.