

§ 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 defini-

tion 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 or section 351(a)(2) 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