

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).               | 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. |
|                 | 50 App. 1014 (as applicable to §1002(a) (1st sentence)).          | 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).                                  |                                                                                                                                                                                                                                           |
|                 | 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 states 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 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

Section 2 of Pub. L. 93-26 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.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 553, 555, 556, 557, 559 of this title; title 26 sections 112, 6013.

### § 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—Continued

| <i>Revised section</i> | <i>Source (U.S. Code)</i>                                                             | <i>Source (Statutes at Large)</i>                                                                                                                                                                                                                |
|------------------------|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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).<br>50 App. 1014 (as applicable to §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. 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 con-

## 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)   |                                                                                                                                      |

cerned." 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).

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 557, 559 of this title; title 10 section 1524.

**§ 554. Travel and transportation; dependents; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable**

(a) In this section, "household and personal effects" and "household effects" may include, in addition to other authorized weight allowances, one privately owned motor vehicle which may be shipped at United States expense. Under regulations prescribed by the Secretaries concerned, and in place of the transportation of household and personal effects, a dependent, who would otherwise be entitled to transportation of household and personal effects under this section, may transport a house trailer or mobile dwelling within and between the areas specified in section 409 of this title for use as a residence by one of the following means—

- (1) transport it and be reimbursed by the United States;
- (2) deliver it to an agent of the United States for transportation by the United States or by commercial means; or
- (3) have it transported by commercial means, and be reimbursed by the United States.

If a trailer or dwelling is transported under clause (2) or (3), that transportation may include one privately owned motor vehicle which may be shipped at United States expense. Transportation, and incidental costs, authorized by this section shall be at United States expense without any cost limitation, and any payment authorized may be made in advance of the transportation concerned.

(b) Transportation (including packing, crating, drayage, temporary storage, and unpacking of household and personal effects) may be provided for the dependents and household and personal effects of a member of a uniformed service on active duty (without regard to pay grade) who is officially reported as dead, injured, ill, or absent for a period of more than 29 days in a missing status—

(1) to the member's official residence of record;

(2) to the residence of his dependent, next of kin, or other person entitled to custody of the effects, under regulations prescribed by the Secretary concerned; or

(3) on request of the member (if injured or ill), or his dependent, next of kin, or other person described in clause (2), to another location determined in advance or later approved by the Secretary concerned, or his designee.

When he considers it necessary, the Secretary concerned may, with respect to the household and personal effects of a member who is officially reported as absent for a period of more than 29 days in a missing status, authorize the nontemporary storage of those effects for a period of one year, or longer when justified. In addition, he may authorize additional movements of, and prescribe transportation for, the dependents and household and personal effects, or the dependents and house trailer or mobile dwelling, of a member who is officially reported as absent for a period of more than one year in a missing status.

(c) When a member described in subsection (b) is in an injured or ill status, transportation of dependents and household and personal effects authorized by this section may be provided only when prolonged hospitalization or treatment is anticipated.

(d) Transportation requested by a dependent may be authorized under this section only if there is a reasonable relationship between the circumstances of the dependent and the requested destination.

(e) In place of the transportation for dependents authorized by this section, and after the travel is completed, the Secretary concerned may authorize—

- (1) reimbursement for the commercial cost of the transportation; or
- (2) a monetary allowance at the prescribed rate for all, or that part, of the travel for which transportation in kind is not furnished.

(f) The Secretary concerned may store the household and personal effects of a member described in subsection (b) until proper disposition can be made. The cost of the storage and transportation (including packing, crating, drayage, temporary storage, and unpacking) of household and personal effects shall be charged against appropriations currently available.

(g) The Secretary concerned may, when he determines that there is an emergency and a sale would be in the best interests of the United States, provide for the public or private sale of motor vehicles and other bulky items of household and personal effects of a member described in subsection (b). Before a sale, and if practicable, a reasonable effort shall be made to determine the desires of the interested persons. The net proceeds received from the sale shall, under regulations prescribed by the Secretary concerned, be sent to the owner or other persons. If there are no such persons, or if they or their addresses are not known within one year from the date of sale, the net proceeds may be covered into the Treasury as miscellaneous receipts.