

## MISSING PERSONS ACT

ACT MAR. 7, 1942, C. 166, 56 STAT. 143

- Sec.
- 1001. Definitions.
  - 1002. Missing, interned, or captive persons; continuance of pay and allowances.
  - 1003. Same; continuance or establishment by department head of allotments for dependents and insurance.
  - 1004. Same; continuance, suspension, or resumption of pay and allowances by department head; limitation on duration of allotments.
  - 1005. Same; departmental review; continuance of missing status or finding of death after year's absence; date of termination of pay and allowances.
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  - 1014. Application of Act to persons besieged by enemy.
  - 1015. Effective date and termination of Act.
  - 1016. Amendment of Civil Service Retirement Act.
  - 1017. Authorization of lock for Saint Marys Falls Canal, Michigan.
  - 1018. Repealed.

### Historical Note

Application to Persons Inducted under the Selective Service Act of 1948. Notwithstanding the provisions of section 3 of Joint Res. July 25, 1947, c. 327, 61 Stat. 451, which provided that in the interpretation of sections 1001-1016 of this Appendix the date July 25, 1947 shall be deemed to be the termination date of any state of war theretofore declared by Congress and of national emergencies proclaimed by the President on Sept. 8,

1939, and May 27, 1941, section 4(e) of Act June 24, 1948, c. 625, Title I, 62 Stat. 608, section 454(e) of this Appendix provided in part that sections 1001-1017 of this Appendix were deleted from the operation of section 3 of said Joint Res. July 25, 1947, and were made applicable to persons inducted into the armed forces under the provisions of the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix.

§ 1001. Defin  
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1944, c. 371, § 1, 5

References in Text  
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referred to in the text,  
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1917 Amendment. Sub  
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*Report of*

MISSING PERSONS ACT Tit. 50, App. § 1001

§.1001. Definitions

For the purpose of this Act [sections 1001-1016 of this Appendix]—

(a) the term "person" means (1) commissioned officer, warrant officer, enlisted person (including persons selected under the Selective Training and Service Act, as amended), member of the Army or Navy Nurse Corps (female), wherever serving; (2) commissioned officer of the Coast and Geodetic Survey or the Public Health Service; and (3) civilian officers and employees of departments and civilian officers and employees of the United States Naval Government of Guam, during such time as they may be assigned for duty or serving outside the continental limits of the United States or in Alaska, exclusive of part-time or intermittent employees or native labor casually hired on an hourly or per diem basis;

(b) the term "active service" means active service in the Army, Navy, Marine Corps, and Coast Guard of the United States, including active Federal service performed by personnel of the retired and reserve components of these forces, the Coast and Geodetic Survey, the Public Health Service, and active Federal service performed by the civilian officers and employees defined in paragraph (a) (3) above;

(c) the term "dependent" as used in this Act [sections 1001-1016 of this Appendix] includes a lawful wife, unmarried child under twenty-one years of age. It includes also a dependent mother, father, or unmarried dependent stepchild or adopted child under twenty-one years of age, or such dependent as has been designated in official records, or an individual determined to be dependent by the head of the department concerned, or subordinate designated by him;

(d) the term "department", including such term when used in the amendment made by section 16 [section 1016 of this Appendix], means any executive department, independent establishment, or agency (including corporations) in the executive branch of the Federal Government. Mar. 7, 1942, c. 166, § 1, 56 Stat. 143; July 1, 1944, c. 371, § 1, 58 Stat. 679; May 16, 1947, c. 70, § 1, 61 Stat. 96.

Historical Note

References in Text. The Selective Training and Service Act, as amended, referred to in the text, has been omitted as expired. Similar provisions are now contained in the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix.

1917 Amendment. Subsec. (a) amended by Act May 16, 1917, cited to text, to include within the provisions of sections 1001-1017 of this Appendix civilian officers and employees of the U. S. Naval Government of Guam.

1944 Amendment. Subsec. (a)(3) amended by Act July 1, 1944, cited to text, which added ", exclusive of part-time or intermittent employees or native labor casually hired on an hourly or per diem basis;".

Subsec. (c) amended by Act July 1, 1944, cited to text, which defined dependent in precise terms, instead of referring to "U.S.Code, title 37 sections 8 and 8(a)".

Effective date of 1944 Amendments. Section 8 of Act July 1, 1944, cited to

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text, provided: "The foregoing amendments to such Act [sections 1001-1017 of this Appendix] shall be effective in all respects as provided in section 15 of the Act of March 7, 1942 (56 Stat. 147), as amended (56 Stat. 1693; 50 App. U.S.C., Supp. III, 1015), and payments under the retroactive provisions of such amendments are authorized to be paid from appropriations currently available."

**Short title.** Section 7 of Act July 1, 1944, cited to text, amended Act Mar. 7, 1942, cited to text, by adding a new section thereto to read: "Sec. 19. This Act [Sections 1001-1017 of this Appendix] may be cited as the 'Missing Persons Act.'"

**Application of section to Selective Service Act of 1948.** Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding this section.

**Appropriations.** Section 2 of Act May 16, 1947, cited to text, provided: "Appropriations which have been made or which may be made for the Navy Department and the naval service shall be available and may be used for the payment of such sums as may have accrued prior to July 21, 1944, to the credit of, and which remain unpaid to, civilian officers and employees of the United States Naval Government of Guam under the provisions and the authority of Public Law 490 of the Seventy-seventh Congress approved March 7, 1942 (56 Stat. 143), as heretofore and herein amended [sections 1001-1017 of this Appendix]."

**Transfer of functions.** All functions of all officers of the Department of the Treasury, and all functions of all agen-

cies and employees of such Department were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 P.R. 4935, 64 Stat. —, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard, referred to in this section, is generally a service in the Treasury Department, except such Plan excepted, from the transfer of the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

The functions of all officers of the Department of Commerce and all functions of all officers and employees of such Department, were, with a few exceptions, transferred to the Secretary of Commerce with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 21, 1950, 15 P.R. 3174, 64 Stat. 1263, set out in note under section 591 of Title 5, Executive Departments and Government Officers and Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

**Congressional Comment:** For legislative history and purpose of Act July 1, 1944, cited to text, see 1944 U.S. Code Cong. Service, p. 1204. See, also, Act May 16, 1947, 1947 U.S. Code Cong. Service, p. 1057.

**§ 1002. Missing, interned, or captive persons; continuance of pay and allowances**

Any person who is in active service and who is officially determined to be absent in a status of missing, missing in action, interned in a neutral country, captured by an enemy, beleaguered or besieged shall, for the period he is officially carried or determined to be in any such status, be entitled to receive or to have credited to his account the same pay and allowances to which he was entitled at the beginning of such period of absence or may become entitled thereafter, and entitlement to pay and allowances shall terminate upon the date of receipt by the department concerned of evidence that the person is dead or upon the date of death prescribed or determined under provisions of section 5 of this Act [section 1005 of this Appendix]: *Provided*, That such entitlement to pay and allowances shall not terminate upon expiration of term of service during

absence and in case of death earlier than the date of death there shall be no entitlement during which such person was absent from his post of duty without pay from the Government for any period of such period. Mar. 7, 1942, c. 371, § 2, 58 Stat. 679.

**1941 Amendment.** Act July 1, 1944, cited to text, amended section 1001 providing, among other things, the termination date of pay and allowances.

**Application of section to Selective Service Act of 1948.** Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 of this Appendix, see note preceding section 1001 of this Appendix.

**Railroad retirement benefits.** Section 228e(f) of Title 45, Railroad Retirement Act.

**Contract of gratuity** 1  
**Per diem allowances** 2  
**Rate of allowances** 3

**1. Contract or gratuity**  
Compensation to which a person was entitled under section 1001 of this Appendix from the date he was reported missing until official date of death shall be a contractual obligation and not as a "gratuity" payable to executor of estate. *Olliphant*, 1947, 206 S.W.2d 415.

**2. Per diem allowances**  
Where at time army was made a prisoner of the person he was entitled to receive allowances for quarters.

**§ 1003. Same; continuation of allotments**

For the period of absence from active service prior to the beginning of the purchase of United States citizenship as otherwise herein provided.

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and employees of such Department transferred, with certain exceptions - Secretary of the Treasury, with power vested in him to authorize the performance or the performance of such functions, by any of such officers, agents, and employees, by 1950 R.S. No. 26, §§ 1, 2, eff. July 31, 1950, 49 Stat. 64 Stat. —, set out in section 241 of Title 5, Executive Departments and Government Employees. The Coast Guard is referred to in this section, is generally included in the Treasury Department. Plan excepted, from the transfer functions of the Coast Guard, the Commandant thereof, when the Coast Guard is operating as a part of the Coast Guard.

functions of all officers of the Department of Commerce and all functions of officers and employees of such Department, were, with a few exceptions referred to the Secretary of Commerce. Power vested in him to authorize the performance or the performance of his functions by any of such officers, agents, and employees, by 1950 R.S. Plan No. 5, §§ 1, 2, eff. May 20, 1950, 5 F.R. 3174, 64 Stat. 1203, set out under section 591 of Title 5, Executive Departments and Government Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

**Professional Comment:** For legislative history and purpose of Act July 1, 1944, see text, see 1944 U.S. Code Cong. Service, p. 1204. See, also, Act July 1, 1947, 1947 U.S. Code Cong. Service, p. 657.

**Persons; continuance of pay**

and who is officially determined to be missing in action, interned, beleaguered or besieged, or determined to be in such a position as to have credited to him pay and allowances which he was entitled to receive or may become entitled to receive, such allowances shall terminate on the date concerned of evidence of death prescribed or determined under this Act [section 1005 of this Appendix] and entitlement to pay and allowances shall terminate at the expiration of term of service during

absence and in case of death during absence shall not terminate earlier than the dates herein prescribed: *Provided further*, That there shall be no entitlement to pay and allowances for any period during which such person may be officially determined absent from his post of duty without authority and he shall be indebted to the Government for any payments from amounts credited to his account for such period. Mar. 7, 1942, c. 166, § 2, 56 Stat. 144; July 1, 1944, c. 371, § 2, 58 Stat. 679.

**Historical Note**

**1944 Amendment.** Act July 1, 1944, amended to text, amended section generally, providing, among other things, the termination date of pay and allowances.

**Application of section to Selective Service Act of 1948.** Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

**Appropriations.** Act June 23, 1942, c. 444, § 1, 56 Stat. 339, authorized use of funds appropriated by Sixth Supplemental National Defense Appropriation Act 1942, Act Apr. 28, 1942, c. 247, 56 Stat. 233, under heading "Naval Emergency Fund", for payments to persons subject to this section.

**Cross References**

Railroad retirement benefit of persons to whom this section applies, see section 225e(f) of Title 45, Railroads.

**Notes of Decisions**

**Contract of gratuity 1**  
**Per diem allowances 2**  
**Rate of allowances 3**

**1. Contract of gratuity**

Compensation to which missing soldier was entitled under sections 1001 et seq. of this Appendix for period from date he was reported missing in action until official date of death was due him as a contractual obligation of the government and not as a "gratuity" and was payable to executor of his estate and became a part of estate. *Campbell v. Oliphant*, 1947, 206 S.W.2d 406, 185 Tenn. 415.

**2. Per diem allowances**

Where at time army sergeant was made a prisoner of the Japanese army he was entitled to receive per diem allowances for quarters and subsistence

given to permanently assigned personnel, sergeant was, under this section providing for continued pay and allowances to military personnel while in captivity, entitled to have credited to his pay account during period of captivity, allowances for subsistence and quarters. *Dilks v. U. S.*, Ct.Cl.1950, 91 F.Supp. 720, opinion superseded 94 F.Supp. 663.

**3. Rate of allowances**

Under this section, Army sergeant who at time of capture by enemy had been more than 31 days on temporary duty with allowances for quarters and subsistence so as to have reverted to actual pay status of permanently assigned enlisted man not provided with rations and quarters in kind was entitled during captivity to allowances at rates set forth in regulations in force at beginning of captivity with the increases provided in executive orders issued during captivity. *Dilks v. U. S.*, Ct.Cl.1950, 94 F.Supp. 663.

**§ 1003. Same; continuance or establishment by department head of allotments for dependents and insurance**

For the period that any person is entitled under section 2 of this Act [section 1002 of this Appendix] to receive or be credited with pay and allowances, such allotments as may have been executed prior to the beginning of his absence, including allotments for the purchase of United States savings bonds, may be continued, except as otherwise herein provided, and notwithstanding any expiration

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of a period for which an allotment had been executed. In the absence of an allotment or when an allotment is insufficient for any purpose authorized by the head of the department concerned, such new allotments or increases as circumstances are deemed to warrant may be authorized by the head of the department concerned, or such subordinate as he may designate, payable during any period of the absent person's entitlement to pay and allowances under section 2 of this Act [said section]: *Provided*, That the aggregate of all allotments in effect, from pay and allowances of an absent person does not exceed the amount of pay and allowances such absent person would be permitted to allot under regulations of the department concerned: *Provided further*, That any premium paid by the Government on insurance issued on the life of a person, which is unearned by reason of being for a period subsequent to the date of death of such person, shall revert to the appropriation of the department concerned. Mar. 7, 1942, c. 166, § 3, 56 Stat. 144; Dec. 24, 1942, c. 828, § 1, 56 Stat. 1092; July 1, 1944, c. 371, § 3, 58 Stat. 680.

**Historical Note**

1941 Amendment. Act July 1, 1941, cited to text, amended section generally.

1942 Amendment. Act Dec. 24, 1942, cited to text, amended provisos.

Effective date of 1942 Amendment. Section 2 of Act Dec. 24, 1942, cited to text, provided: "This Act [Act Dec. 24, 1942] shall be effective in all respects as provided in section 15 of the Act of

March 7, 1942 (Public Law 400, Seventy-seventh Congress) [section 1015 of this Appendix]".

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

**§ 1004. Same; continuance, suspension, or resumption of pay and allowances by department head; limitation on duration of allotments**

When circumstances are deemed to justify such action in the interests of a person entitled to receive or be credited with pay and allowances under section 2 of this Act [section 1002 of this Appendix], in the interests of the dependents of such person, or in the interests of the Government, the head of the department concerned, or such subordinates as he may designate, may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of payments of allotments from the pay and allowances of such person, subject to the provisions of section 6 of this Act [section 1006 of this Appendix]. Mar. 7, 1942, c. 166, § 4, 56 Stat. 144; Dec. 24, 1942, c. 828, § 1, 56 Stat. 1092; July 1, 1944, c. 371, § 4, 58 Stat. 680.

**Historical Note**

1944 Amendment. Act July 1, 1944, cited to text, amended section generally, providing, among other changes, that the head of the department or any designated subordinates may initiate, discontinue, increase or decrease payments.

1942 Amendment. Act Dec. 24, 1942, cited to text, amended second sentence.

Effective date of 1942 Amendment. Amendment by Act Dec. 24, 1942, cited to text, as effective Sept. 8, 1930, see note under section 1003 of this Appendix.

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Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective

**§ 1005. Same; department or finding of death; continuation of pay and**

When the twelve month absence is about to expire in action and no official report being interned has been received, such review and when the review shall cause a full review and when the review is required, or following any such review, the head of the department shall direct the continuance of pay and allowances if it may reasonably be presumed that the person is still alive. When a finding of death is made, the date upon which death occurred shall be the date for the purposes of termination of settlements of accounts, and the pay shall be the day following the date of twelve months, or in case of a longer period, shall be continued as hereinbefore provided by the head of the department. Dec. 24, 1942, c. 828, § 1, 56 Stat. 1092.

1942 Amendment. Act Dec. 24, 1942, cited to text, amended section in entirety.

Effective date of 1942 Amendment by Act Dec. 24, 1942, as effective Sept. 8, 1930, see note under section 1003 of this Appendix.

Not

Back pay not gratuity 1  
Finding of death 2, 3  
Effect 3  
Purpose 3

1. Back pay not gratuity  
Pay due soldier at presumptive death and paid to executrix of his estate shall be constituted part of his estate and shall be distributed under will or inheritance law and not subject to state transfer inheritance tax and not exempt therefrom as a gratuity. In re Millar's Estate, 1947, 61 A.2d 350 Pa. 50.

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Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective Service

Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

§ 1005. Same; departmental review; continuance of missing status or finding of death after year's absence; date of termination of pay and allowances

When the twelve months' period from date of commencement of absence is about to expire in any case of a person missing or missing in action and no official report of death or of being a prisoner or of being interned has been received, the head of the department concerned shall cause a full review of the case to be made. Following such review and when the twelve months' absence shall have expired, or following any subsequent review of the case which shall be made whenever warranted by information received or other circumstances, the head of the department concerned is authorized to direct the continuance of the person's missing status, if the person may reasonably be presumed to be living, or is authorized to make a finding of death. When a finding of death is made it shall include the date upon which death shall be presumed to have occurred for the purposes of termination of crediting pay and allowances, settlements of accounts, and payments of death gratuities and such date shall be the day following the day of expiration of an absence of twelve months, or in cases in which the missing status shall have been continued as hereinbefore authorized, a day to be determined by the head of the department. Mar. 7, 1942, c. 166, § 5, 56 Stat. 145; Dec. 24, 1942, c. 828, § 1, 56 Stat. 1092.

## Historical Note

1942 Amendment. Act Dec. 24, 1942, cited to text, amended section in its entirety.

Effective date of 1942 Amendment. Amendment by Act Dec. 24, 1942, as effective Sept. 8, 1939, see note under section 1003 of this Appendix.

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

## Notes of Decisions

Back pay not gratuity 1  
Finding of death 2, 3  
Effect 3  
Purpose 2

## 2. Finding of death—Purpose

Section 1002 of this Appendix and this section providing that one in military service who is missing in action, and as to whom there is no official report of death, shall have his pay and allowance credited to his account for one year, and that after the year the head of his department shall review the case and find him either dead or still missing, was not intended by Congress to authorize a finding of presumptive death for any other purpose than those specified in the act, or to attempt to control the decisions of the courts in litigation not relevant to the congressional purpose. In re Thornburg's Estate, 1949, 205 P.2d 349, 180 Or. 570.

## 1. Back pay not gratuity

Pay due soldier at presumptive date of death and paid to executrix of his estate constituted part of his estate passing under will or inheritance law and was subject to state transfer inheritance tax and not exempt therefrom as a gratuity. In re Millar's Estate, 1947, 51 A.2d 745, 350 Pa. 66.

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**8. — Effect**

Section 1002 of this Appendix and this section providing that one in military service who is missing in action, and as to whom there is no official report of death, shall have his pay and allowance credited to his account for one year, and that after the year the head of his department shall review the case and find

him either dead or still missing, did require Oregon court, for inheritance purposes, to hold that missing naval aviator did not die until a year had elapsed from time he was first missing, and Oregon court was required to give the presumption only prima facie effect and was authorized to determine as near as possible the date of death. *Thornburg's Estate*, 1949, 208 P.2d 349, 186 Or. 570

of his death but not death. *Lukens v. ...*, 1948 62 A.2d 89

Sections 1001-1017 acted to enable to determine when person should be stricken from payable to determine wh

**§ 1006. Same; payment of allotments in case of captured or interned persons until death or return to jurisdiction; pay and allowances and allotments of persons continued in missing status**

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 [section 1002 of this Appendix] is alive and in the hands of an enemy or is interned in a neutral country, the payments authorized by section 3 of this Act [section 1003 of this Appendix], are, subject to the provisions of section 2 of this Act [section 1002 of this Appendix], authorized to be made for a period not to extend beyond the date of the receipt by the head of the department concerned of evidence that the missing person is dead or has returned to the controllable jurisdiction of the department concerned. Where a person missing or missing in action is continued in a missing status under section 5 of this Act [section 1005 of this Appendix], such person shall continue to be entitled to have pay and allowances credited as provided in section 2 of this Act [section 1002 of this Appendix] and payments of allotments, as provided in section 3 of this Act [section 1003 of this Appendix], are authorized to be continued, increased, or initiated. Mar. 7, 1942, c. 166, § 6, 56 Stat. 145; Dec. 24, 1942, c. 828, § 1, 56 Stat. 1092.

**§ 1007. Author...**

The head of the payment of ne service (other t this Act [sectio allowances) to heretofore or he ment of any all November 1941 the consent of specific request head of the dep well-being and ice. Mar. 7, 1942

Application of sect ice Act of 1948. Sec Inductees under the

**§ 1008. Penalty**

Whoever shall under this Act [ entitled thereto, of not more tha year, or both. M

Application of sect ice Act of 1948. Sec Inductees under t

**§ 1009. Determ**

clusiv death The head of he may designa necessary in th this Appendix], determinations of death, as to a

**Historical Note**

1942 Amendment. Act Dec. 24, 1942, cited to text, amended section by adding last sentence.

Effective date of 1912 Amendment. Amendment by Act Dec. 24, 1942, as effective Sept. 8, 1939, see note under section 1003 of this Appendix.

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 457-471 of this Appendix, see note preceding section 1001 of this Appendix.

**Notes of Decisions**

Date of death 2  
Payments or allotments stopped 1

his name taken from the payroll. *Lukens v. Camden Trust Co.*, 1948, 62 A.2d 89, 2 N.J.Super. 214.

**1. Payments or allotments stopped**  
Sections 1005 and 1009 of this Appendix authorizing a finding of death of a missing person and date upon which such death shall be presumed to have occurred merely enable the government to determine when payment or allotments of a missing person should be stopped and

**2. Date of death**  
Under N.J.S.A. 2:101-1.1 providing certificate of death authorized by this section should be received in state court as presumptive evidence of death of person named therein, finding of adjutant general of Department of the Army was binding only as to date of disappearance of person named therein and as to fact

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either dead or still missing, did not... Oregon court, for inheritance purposes, to hold that missing naval... until a year had elapsed... he was first missing, and... was required to give the probate... only prima facie effect and... rized to determine as near as... the date of death. Thornburg v. 1949, 208 P.2d 349, 186 Or. 5...

of his death but not as to date of his death. Lukens v. Camden Trust Co. et al., 1948, 62 A.2d 886, 2 N.J.Super. 214.

Sections 1001-1017 of this Appendix enacted to enable federal government to determine when pay of a missing person should be stopped and his name stricken from payroll were not applicable to determine whether serviceman died

on day he went on bombing mission from which he never returned, which would preclude his estate from sharing in residuary estate of a decedent as having died before decedent, or whether soldier died after decedent. Lukens v. Camden Trust Co et al., 1948, 62 A.2d 886, 2 N.J. Super. 214. See, also, In re Wood's Estate, 1946, 62 A.2d 883.

in case of captured or in return to jurisdiction; payments of persons continued in

§ 1007. Authority of department head to create new allotments and to continue or change amounts of old allotments

head of the department concerned conditions specified in section 1003 of this Appendix is alive and in neutral country, the payment... 1003 of this Appendix... 2 of this Act [section... for a period not to extend... head of the department concerned person is dead or has returned... department concerned. When... is continued in a missing... tion 1005 of this Appendix... to have pay and allowances... is Act [section 1002 of this... as provided in section 3 of... ], are authorized to be continued. Mar. 7, 1942, c. 166, § 6, 56 Stat. 145.

The head of the department concerned is authorized to direct the payment of new allotments from the pay of persons in active service (other than persons entitled under section 2 or section 14 of this Act [section 1002 or 1014 of this Appendix] to receive pay and allowances) to increase or decrease the amount of any allotment heretofore or hereafter made by such persons and to continue payment of any allotments of such person which may have expired in November 1941 and any month subsequent thereto, with or without the consent of such person, subject in all cases to termination by specific request of such persons, whenever in the judgment of the head of the department such action is considered essential for the well-being and protection of dependents of persons in active service. Mar. 7, 1942, c. 166, § 7, 56 Stat. 145.

Historical Note

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

§ 1008. Penalty for fraudulent receipt of payments

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

Whoever shall obtain or receive any money, check, or allotment under this Act [sections 1001-1016 of this Appendix], without being entitled thereto, with intent to defraud shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year, or both. Mar. 7, 1942, c. 166, § 8, 56 Stat. 145.

Historical Note

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

§ 1009. Determinations by department heads or designees; conclusiveness relative to status of personnel, payments, or death

of death or N.J.S.A. 2:101-1.1 providing that date of death authorized by this Act should be received in state... presumptive evidence of death of person named therein, finding of adjutant general of Department of the Army... only as to date of disappearance of person named therein and as to fact

The head of the department concerned, or such subordinate as he may designate, shall have authority to make all determinations necessary in the administration of this Act [sections 1001-1016 of this Appendix], and for the purposes of this Act [said sections] determinations so made shall be conclusive as to death or finding of death, as to any other status dealt with by this Act [said sections],





*Report*

**ACT**

**MISSING PERSONS ACT      Tit. 50, App. § 1010**

that upon which evidence is presented or by the head thereof, or by the department concerned, or by such subordinate, shall be conclusive as to the fact that any person is to be considered as dead. When any report of death of any person is received, action shall be taken thereon notwithstanding any prior action taken with respect to such person. If the death of any person is established by the provisions of this Act [section 1010 of this Appendix], no recovery of time without information shall be made on the basis of a reasonable presumption that the person is no longer alive. Payment shall not be made in lieu of a report, determination, or otherwise, if recovered or reopened by re-examination which fixes a date of reopening and settled upon the basis of a report which is later than that used as a basis for such determination. Payments are authorized to be made to the head of the department concerned, or by such subordinate, or by such subordinate, under the provisions of section 1010 of this Appendix], to pay charges in his account, and to provide: *Provided*, That no such amount shall be paid to any person or be entitled to receive from the enemy as pay, wages, allowances, or otherwise, *provided further*, That where the account of a person is credited or debited with allotments or charges, any amount so charged against a person's account in any case of the department concerned, shall be paid, or representation to which such payment is made, or in any instance warrant reconsideration to be made by this Act [said Act], or by such subordinate, to modify a previous determination of insurance premiums, or allowances of any person for the period of the provisions of section 1010 of this Appendix] to receive or have credit for such amount shall not be subject to collection from the allotment thereof has been occasioned by delay in receipt of evidence of death, and any allotment made under the provisions of this Act [section 1010 of this Appendix] or otherwise, of entitlement

to pay and allowances, the payment of which has been occasioned by delay in receipt of evidence of death, shall not be subject to collection from the allottee or charged against the pay of the deceased person. The head of the department concerned, or such subordinate as he may designate, may waive the recovery of erroneous payments or overpayments of allotments to dependents when recovery is deemed to be against equity and good conscience. In the settlement of the accounts of any disbursing officer credit shall be allowed for any erroneous payment or overpayment made by him in carrying out the provisions of this Act [sections 1001-1016 of this Appendix], except sections 13, 16, 17, and 18 [sections 1013 and 1016, and former sections 1017 and 1018 of this Appendix], in the absence of fraud or criminality on the part of the disbursing officer involved, and no recovery shall be made from any officer or employee authorizing any payment under such provisions in the absence of fraud or criminality on his part. Mar. 7, 1942, c. 166, § 9, 56 Stat. 145; July 1, 1944, c. 371, § 5, 58 Stat. 680.

*1* So in original. Probably should read "hands".

**Historical Note**

1941 Amendment. Act July 1, 1944, cited to text, amended section generally. Application of section to Selective Service Act of 1948. Section as applicable to

inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

**Notes of Decisions**

**1. Conclusiveness of determinations**

Under this section, determination of commanding general of Philippine Ryukus Command that plaintiff, a member of Philippine Scouts, was not in casualty status during period of Japanese occupation from October 1, 1942, to January

1, 1945, and was not entitled to pay for that period, was conclusive, and denial of claim was not so arbitrary and capricious as to allow suit to be brought even if permitted in such cases. *Moreno v. U. S.*, Ct.Cl.1950, 93 F.Supp. 607.

**§ 1010. Same; fact of dependency; authority to determine; conclusiveness**

The determination of the fact of dependency under the provisions of this Act [sections 1001-1016 of this Appendix], the determination of the fact of dependency for the purpose of payment of all six months' death gratuities as authorized by law, and the determination of the fact of dependency under the provisions of any and all other laws providing for the payment of pay, allowances, or other emoluments to enlisted personnel in the Army, Navy, Marine Corps, and Coast Guard of the United States where such payments are contingent upon dependency, shall be made by the head of the department concerned, or by such subordinate as he may designate, and any such determination so made shall be final and conclusive. Mar. 7, 1942, c. 166, § 10, 56 Stat. 145; July 1, 1944, c. 371, § 6, 58 Stat. 681.

## Tit. 50, App. § 1010 MISSING PERSONS ACT

**Historical Note**

**1944 Amendment.** Act July 1, 1944, cited to text, amended section by inserting "the determination of the fact of dependency for the purpose of payment of all six months' death gratuities as authorized by law", and substituting "personnel" for "men" following "enlisted".

**Application of section to Selective Service Act of 1948.** Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

**Transfer of functions.** All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department,

were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize the performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Recomp. Plan No. 20, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1289, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard referred to in this section, is generally a service in the Treasury Department but such Plan excepted, from the transfer, the functions of the Coast Guard and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

**§ 1011. Settlement of accounts**

The head of the department concerned, or such person as he may designate, is authorized to settle the accounts of persons for whose account payments have been made pursuant to the provisions of sections 2 to 7, both inclusive, of this Act [sections 1002-1007 of this Appendix], and the accounts of survivors of casualties to ships, stations and military installations which result in loss or destruction of disbursing records, and such settlements shall be conclusive upon the accounting officers of the Government in effecting settlements of the accounts of disbursing officers. Mar. 7, 1942, c. 166, § 11, 56 Stat. 146.

**Historical Note**

**Application of section to Selective Service Act of 1948.** Section as applicable to inductees under the Selective Service

Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

**§ 1012. Moving dependents and effects of persons dead, injured, captured, etc.; appropriations chargeable with cost**

The dependents and household and personal effects of any person in active service (without regard to pay grade) who is officially reported as dead, injured, missing for a period of thirty days or more, interned in a neutral country, or captured by the enemy, upon application by such dependents, may be moved (including packing and unpacking of household effects), upon receipt by such dependents of such official report, to such location as may be determined in advance or subsequently approved by the head of the department concerned or by such persons as he may designate. The cost of such transportation, including packing and unpacking of household effects, shall be charged against appropriations currently available. In lieu of transportation authorized by this section for dependents, the head of the department concerned may authorize the payment in money of amounts equal to such commercial transportation costs

for the whole or such kind is not furnished. When the person is dependents or household effects authorized only in transportation or treatment, such transportation shall be authorized where such relationship exists between dependents and the person. Beginning June 25, 1951, the terms "household effects" may include, in addition to the effects, to exceed one private automobile. Government expenses incurred in Alaska. Mar. 7, 1942, c. 166, § 1(a), 60 Stat. 5

**1946 Amendment.** Act cited to text, amended section by inserting former second provision of which now constitute the section.

**1951 Amendment.** Act cited to text, amended section to make clear that dependents of missing personnel, including nonmilitary personnel, shall be eligible for, even though such disappearance did not result from military or naval operations, to receive specific authorization for transportation of dependent personnel without regard to pay grade, to require that person be in a status of "missing" for thirty days or more, and by

Authorization of claim August 20, 1951, see section 1012a.

**§ 1012a. Authorization of prior**

(a) Claims for transportation of household and personal effects of Missing Persons Act incident to the death of such person not presented for reimbursement or disallowance in approval of this Act shall be subject to the provisions of section 12 of the M

*Repeat of [unclear]*

**MISSING PERSONS ACT    Tit. 50, App. § 1012a**

**ACT**

for the whole or such part of travel for which transportation in kind is not furnished, when such travel shall have been completed. When the person is in an "injured" status, the movement of dependents or household and personal effects provided for herein may be authorized only in cases where the anticipated period of hospitalization or treatment will be of prolonged duration. No transportation shall be authorized pursuant to this section unless a reasonable relationship exists between the condition and circumstances of the dependents and the destination to which transportation is requested. Beginning June 25, 1950, and for the purposes of this section only, the terms "household and personal effects" and "household effects" may include, in addition to other authorized weight allowances, not to exceed one privately owned motor vehicle, shipment of which at Government expense is authorized in those cases where the vehicle is located outside the continental limits of the United States or in Alaska. Mar. 7, 1942, c. 1666, § 12, 56 Stat. 146; Feb. 12, 1946, c. 6, § 1(a), 60 Stat. 5; Aug. 29, 1951, c. 356, § 1, 65 Stat. —.

**Historical Note**

**1946 Amendment.** Act Feb. 12, 1946, cited to text, amended section by inserting former second proviso, the provisions of which now constitute the third sentence.

**1951 Amendment.** Act Aug. 29, 1951, cited to text, amended section to make it clear that dependents of injured, deceased, and missing personnel, including nonmilitary personnel, shall be provided for, even though such injury, death or disappearance did not result specifically from military or naval operations, to provide specific authority to furnish transportation of dependents of nonmilitary personnel without regard to pay grade, to require that persons must be in a status of "missing" for a period of 30 days or more, and by inserting provi-

sions contained in fourth, fifth and sixth sentences.

**Effective date of 1946 Amendment.** Section 1(b) of Act Feb. 12, 1946, cited to text, provided that the amendment of section by section 1(a) of said Act Feb. 12, 1946, should take effect as of Sept. 8, 1939.

**Application of section to Selective Service Act of 1948.** Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

**Congressional Comment:** For legislative history and purpose of Act Feb. 12, 1946, cited to text, see 1946 U.S. Code Cong. Service, p. 1057.

**Cross References**

Authorization of claims for reimbursement, and ratification of payments prior to August 20, 1951, see section 1012a of this title.

**§ 1012a. Authorization of claims for reimbursement; ratification of prior payments**

(a) Claims for travel by dependents and for transportation of household and personal effects which arose under section 12 of the Missing Persons Act, as amended [section 1012 of this Appendix], incident to the death of a person in active service, and which were not presented for reimbursement or were presented and were rejected or disallowed, may, until three years after the date of approval of this Act [August 29, 1951], be presented for consideration or reconsideration and reimbursement under the provisions of section 12 of the Missing Persons Act [said section], as amended

**Tit. 50, App. § 1012a MISSING PERSONS ACT**

by [section 1 of] this Act: *Provided*, That this section shall be applicable only to such claims which arose on or after September 2, 1939, and prior to the date of approval of this Act [August 29, 1951].

(b) Payments made by disbursing officers for travel by dependents and for transportation of household and personal effects pursuant to section 12 of the Missing Persons Act, as amended [this section], on or after March 7, 1942, and prior to the date of approval of this Act [August 29, 1951], heretofore not allowed by virtue of inability to establish death or injury as a result of military or naval operations, are ratified.

(c) Payments made by disbursing officers on or after June 25, 1950, and prior to the date of approval of this Act [August 29, 1951], for the transportation, packing, and unpacking of privately owned motor vehicles transported under the conditions set forth in section 12 of the Missing Persons Act, as amended by section 1 of this Act [this section], are ratified. Aug. 29, 1951, c. 356, § 2, 65 Stat.

**Historical Note**

Codification. Section was not enacted as a part of the Missing Persons Act which is classified to sections 1001-1012 and 1013-1016 of this Appendix.

**§ 1013. Income tax deferment for certain persons in Government service not in position to pay taxes because of service**

Notwithstanding any other provision of law, in the case of any taxable year beginning after December 31, 1940, no Federal income-tax return of, or payment of any Federal income tax by—

(a) any individual in the military or naval forces of the United States, or

(b) any civilian officer or employee of any department who, at the time any such return or payment would otherwise become due, is a prisoner of war or is otherwise detained by any foreign government with which the United States is at war, or

(c) any individual in the military or naval forces of the United States serving on sea duty or outside the continental United States at the time any such return or payment would otherwise become due, shall become due until one of the following dates, whichever is the earliest:

(1) the fifteenth day of the third month following the month in which he ceases (except by reason of death or incompetency) to be a prisoner of war, or to be detained by any foreign government with which the United States is at war, or to be a member of the military or naval forces of the United States serving on sea duty or outside the continental United States, as the case may be, unless prior to the expiration of such fifteenth day he again is a prisoner of war, or is detained by any foreign government with which the United States is at war, or is a member of the military or naval forces of the United States serving on sea duty or outside the continental United States;

(2) December 31, 1947, or  
 (3) the fifteenth day of the third month following the month in which an executor or taxpayer is appointed, which due date is provided for in the Code of Internal Revenue, as amended, in paying such tax, as provided in section 146 of the Code [sections 146 of the Code] as assessment or collection, or receivership. of the continental United States, or the terms of the military or naval forces of the United States, or the Navy Nurse Corps, or the Arctic Survey, or the 13, 56 Stat. 146;

**1947 Amendment.** amended by Act August 29, 1951, c. 356, which changed the due date from "the third month following the month in which the present war with Italy, and Japan is claimed by the President, 1947".

**Application of section 1013.** Section 1013 of the Service Tax Act of 1948. Section 1013 of the Service Tax Act of 1948, sections 451 of this Appendix, see section 1001 of this Appendix.

**Transfer of functions.** of all officers of the Department of the Treasury, and all functions and employees of the Department of the Treasury were transferred, with the power vested in him, to the Secretary of the Department of the Treasury, performance or the Department of his functions, by agencies, and employees Plan No. 26, §§ 1, 2, 15 F.R. 4935, 61 Stat. 1 under section 241 of Departments and Government Employees. The Commission in this section, is in the Treasury Department Plan excepted, from functions of the Coast Guard is operating Navy under sections of Coast Guard.

**Transfer of functions** of all officers of the I

## MISSING PERSONS ACT Tit. 50, App. § 1013

(2) December 31, 1947; or  
 (3) the fifteenth day of the third month following the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

Such due date is prescribed subject to the power of the Commissioner of Internal Revenue to extend the time for filing such return or paying such tax, as in other cases, and to assess and collect the tax as provided in sections 146, 273, and 274 of the Internal Revenue Code [sections 146, 273, and 274 of Title 26] in cases in which such assessment or collection is jeopardized and in cases of bankruptcy or receivership. For the purpose of this section, the term "continental United States" means the States and the District of Columbia, and the terms "individual" or "member" of the military or naval forces of the United States means any person in the Army of the United States, the United States Navy, the Marine Corps, the Army or Navy Nurse Corps (female), the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service. Mar. 7, 1942, c. 166, § 13, 56 Stat. 146; Aug. 8, 1947, c. 515, § 6, 61 Stat. 918.

**Historical Note**

**1947 Amendment.** Subsec. (c) (2) amended by Act Aug. 8, 1947, cited to text, which changed the final tax return date from "the fifteenth day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated as proclaimed by the President" to "December 31, 1947".

**Application of section to Selective Service Act of 1948.** Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

**Transfer of functions.** All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard, referred to in this section, is generally a service in the Treasury Department, but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

**Transfer of functions.** The functions of all officers of the Department of Com-

merce and all functions of all officers and employees of such Department, were, with a few exceptions, transferred to the Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in note under section 591 of Title 5, Executive Departments and Government Officers and Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

**Limitation of section under other laws.** Section 507(b) (1) of the Revenue Act of 1942, Act Oct. 21, 1942, 4:30 p. m., B. W. T., c. 619, Title V, provided as follows: "The amendments made by this section [adding sections 3804 and 3805 of Title 26 and section 527 of this Appendix] shall not be construed to shorten any period fixed under the provisions of section 13 or 14 of the Act approved March 7, 1942 (Public Law 490—77th Congress) [sections 1013 and 1014 of this Appendix], within which any act may be done, except that any action or proceeding authorized under section 3804(d) (1) of the Internal Revenue Code, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted without regard to the period so fixed."

**Congressional Comment:** For legislative history and purpose of Act Aug. 8, 1947, cited to text, see 1017 U.S. Code Cong. Service, p. 1668.



*[Handwritten signature]*

MISSING PERSONS ACT Tit. 50, App. § 1018

that this Act [Title 5, § 691 et seq.] shall not apply to any such officer or employee of the United States or of the municipal government of the District of Columbia subject to another retirement system for such officers and employees of such governments: *Provided further,* that this Act [Title 5, § 691 et seq.] shall not apply to any officer or employee in the legislative branch of the Government within the classes of officers and employees which were made eligible for the benefits of this Act [Title 5, § 691 et seq.] by the Act of July 13, 1937 [Title 5, §§ 693b-693d, 698b, 715d, and 719a], until he gives notice in writing to the disbursing officer by whom his salary is paid, of his desire to come within the purview of this Act [Title 5, § 691 et seq.]; and any officer or employee within such classes may, within sixty days after January 24, 1942, withdraw from the purview of this Act [Title 5, § 691 et seq.] by giving similar notice of such desire. In the case of any officer or employee in the service of the legislative branch of the Government on January 24, 1942, such notice of desire to come within the purview of this Act [Title 5, § 691 et seq.] must be given within the calendar year 1942. In the case of any officer or employee of the legislative branch of the Government who enters the service after January 24, 1942, such notice of desire to come within the purview of this Act [Title 5, § 691 et seq.] must be given within six months after the date of entrance to the service."

(d) The amounts deducted and withheld from the basic salary, pay, or compensation of any officer made ineligible for the benefits of such Act of May 29, 1930, as amended [Title 5, § 691 et seq.], by the amendments made by this section to such Act of May 29, 1930 [affecting Title 5, §§ 691(c), 693(a), 715(a)], and deposited to the credit of the civil-service retirement and disability fund, and any additional amounts paid into such fund by such officer, shall be returned to such officer within thirty days after the date of enactment of this Act. Mar. 7, 1942, c. 166, § 16, 56 Stat. 147.

**Historical Note**

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

§ 1017. Authorization of lock for Saint Marys Falls Canal, Michigan

**Historical Note**

Codification. Section, Act Mar. 7, 1942, c. 166, § 17, 56 Stat. 148, has been executed.

§ 1018. Repealed. June 16, 1942, c. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

**Historical Note**

Section, Act Mar. 7, 1942, c. 166, § 18, 56 Stat. 148, related to base pay increases for military and naval personnel serving at sea or outside United States, and is now covered by section 237 of Title 37, Pay and Allowances.



## 50 App. § 1012 WAR AND NATIONAL DEFENSE

dependents, see sections 5565-5567 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see sections 555-557 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1010, Acts Mar. 7, 1942, c. 166, § 10, 56 Stat. 145; July 1, 1944, c. 371, § 6, 58 Stat. 681; Aug. 14, 1964, Pub.L. 88-428, § 1(7), 78 Stat. 437, provided for fact of dependency, and authority to determine. For that portion of this section applicable to civilian officers and employees and their dependents, see section 5566 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 556 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1011, Act Mar. 7, 1942, c. 166, § 1, 56 Stat. 146, related to settlement of accounts. For that portion of this section applicable to civilian officers and employees and their dependents, see sec-

### § 1012a. Authorization of claims for reimbursement; ratification of prior payments

**Codification.** Section, Act Aug. 29, 1951, c. 356, § 2, 65 Stat. 208, which was not enacted as part of the Missing Persons Act, sections 1001-1012 and 1013-1016 of this Appendix, (a) allowed presentation, for consideration, reconsideration or reimbursement during a period of 3 years following Aug. 29, 1951, of previously un-presented, rejected or disallowed claims for travel by dependents and for transportation of household and personal effects arising between Sept. 8, 1939, and Aug. 29, 1951, under section 1012 of this Appendix, (b) ratified payments for travel by de-

### §§ 1013-1017. Repealed. Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651, 654, 657, 658, 662

Section 1013, Acts Mar. 7, 1942, c. 166, § 13, 56 Stat. 146; Aug. 3, 1947, c. 515, § 6, 61 Stat. 918; Aug. 14, 1964, Pub.L. 88-428, § 1(9), 78 Stat. 437, provided for income tax deferment for certain persons in Government service not in position to pay taxes because of service. For that portion of this section applicable to civilian officers and employees and their dependents, see section 5568 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 558 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1014, Acts Mar. 7, 1942, c. 166, § 14, 56 Stat. 147; Apr. 4, 1953, c. 17, § 1(e), 67 Stat. 21, related to application of the Missing Persons Act to persons besieged by a hostile force. For that portion of this section applicable to civilian officers and employees and their depend-

tion 5567 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 557 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1012, Acts Mar. 7, 1942, c. 166, § 12, 56 Stat. 146; Feb. 12, 1946, c. 6, § 1(a), 60 Stat. 5; Aug. 29, 1951, c. 356, § 1, 65 Stat. 207; Apr. 4, 1953, c. 17, § 1(a), 67 Stat. 21; Aug. 29, 1957, Pub.L. 85-217, § 1(d), 71 Stat. 492; Aug. 14, 1964, Pub.L. 88-428, § 1(8), 78 Stat. 437, provided for moving dependents and effects of persons dead, injured, missing, or captured, for sale of motor vehicles and other bulky items, and claims for proceeds. For portions of this section applicable to civilian officers and employees and their dependents, see section 5564 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see section 554 of Title 37, Pay and Allowances of the Uniformed Services.

pendents and transportation of household and personal effects made by disbursing officers pursuant to section 1012 of this Appendix, on or after March 7, 1942, and prior to Aug. 29, 1951, previously not allowed by virtue of inability to establish death or injury as a result of military or naval operations and (c) ratified payments made on and after June 25, 1950, and prior to Aug. 29, 1951, for transportation, packing, and unpacking of privately owned motor vehicles transported under the conditions set forth in section 1012 of this Appendix.

ents, see sections 5561-5564 and 5566 of Title 5, Government Organization and Employees, and for that portion applicable to members of the uniformed services and their dependents, see sections 551-554 and 558 of Title 37, Pay and Allowances of the Uniformed Services.

Section 1015, Acts Mar. 7, 1942, c. 166, § 15, 56 Stat. 147; Dec. 24, 1942, c. 828, § 1, 56 Stat. 1092; Apr. 4, 1953, c. 17, § 1(f), 67 Stat. 21; Jan. 30, 1954, c. 3, 68 Stat. 7; June 30, 1955, c. 251, 69 Stat. 238; July 20, 1956, c. 658, 70 Stat. 595; Aug. 7, 1957, Pub.L. 85-121, 71 Stat. 341; Aug. 29, 1957, Pub.L. 85-217, § 1(c), 71 Stat. 493, prescribed the effective date.

Section 1016, Act Mar. 7, 1942, c. 166, § 16, 56 Stat. 147, amended the Civil Service Retirement Act.

Section 1017, Act Mar. 7, 1942, c. 166, § 17, 56 Stat. 148, authorized a lock for Saint Marys Falls Canal, Michigan.

## SMALL BUSINESS MOBILIZATION ACT

### ACT JUNE 11, 1942, C. 404, 56 STAT. 351

#### §§ 1101-1107.

**Repeals.** Act June 11, 1942, c. 404, §§ 1, 4, 56 Stat. 351, 353, formerly classified to sections 1101 and 1104 of this Appendix,

was repealed by Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

## WAR AND NAVAL DEFENSE

### ACT OF JULY 2, 1940

- Sec.  
1173. Construction authority for Armed Forces [New].  
1174. Same; activity reports by Service of Defense [New].  
1175. Same; application to sections of Title 40 [New].

### ACT JUNE 28

**Cross References.** "Defense contracts" defined, see section 50 of Title 41, Contracts.

Honorable discharge from land naval forces as substitute for certificate required for defense employ-

### § 1152. Contracts for acquisition of vessels, aircraft, and equipment

#### (4) Attendance of witnesses in subsection (d)

For the purpose of obtaining required, or making any investigation [subsection], the President may require by subpoena or otherwise and the production of any or physical evidence which may and testimony of witnesses and other documentary or physical place from any State, Territory of the United States: *Provided*, records, or other documentary other than the place where specified prior to the return date specified, such person furnishes the records, or other documentary oath to be a true and correct President as to the information documentary evidence. Witnesses that are paid witnesses in subsection shall not publish or disseminate any information in paragraph which the President which a request for confidential such information, unless the thereof is contrary to the interest and anyone violating this provision conviction thereof shall be fined not exceeding two years, or both. As amended Oct. 15, 1970, Pub.L. 91-452.

**1970 Amendment.** Subsec. (a) (4) I. 91-452 struck out the provisions related to the immunity from prosecution of any individual compelled to testify produce evidence, documentary or otherwise, after claiming his privilege of self-incrimination.

**Effective Date of 1970 Amendment** by Pub.L. 91-452 effective the sixtieth day following the date of enactment.

143 U.S.C.A.—3  
1970 P.P.

The Missing  
Persons Act of  
1942 has been  
amended many times.

Nothing should be cited  
from this copy.

SOURCES

1

5 § 5552

EMPLOYEES

Ch. 55

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accrued annual or vacation leave in accordance with section 5551 of this title; or

(2) elect to have the leave remain to his credit until his return from active duty.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 489.

Historical and Revision Notes

Reviser's Notes

<p>Derivation: United States Code 5 U.S.C. 61a</p>	<p>Revised Statutes and Statutes at Large Aug. 1, 1911, ch. 348, 55 Stat. 616. Apr. 7, 1942, ch. 220, 56 Stat. 200.</p>
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Explanatory Notes.

The words "An employee as defined by section 2105 of this title" are coextensive with and substituted for "Employees of the United States Government, . . . (including employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress)".

The words "subsequent to May 1, 1940" are omitted as obsolete. The words "active duty in the armed forces" and "ac-

tive duty" are substituted for "active military or naval service in the land or naval forces of the United States" and "active military or naval service", respectively, on authority of the National Security Act of 1947, 61 Stat. 495, as amended. The words "by voluntary enlistment or otherwise" are omitted as unnecessary.

In paragraph (1), the words "in accordance with section 5551 of this title" are added on authority of former section 61b, which is carried into section 5551.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Library References

United States 39(7)	C.J.S. United States § 44.
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SUBCHAPTER VII—PAYMENTS TO MISSING EMPLOYEES

§ 5561. Definitions

For the purpose of this subchapter—

(1) "agency" means an Executive agency and a military department;

(2) "employee" means an employee in or under an agency who is a citizen or national of the United States or an alien admitted to the United States for permanent residence, but does not include a part-time or intermittent employee or native labor casually hired on an hourly or daily basis. However, such an employee who enters a status listed in paragraph (5) (A)–(E) of this section—

(A) inside the continental United States; or

(B) who is a resident at or in the vicinity of his place of employment in a territory or possession of the United

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States or in a foreign country and who was not living there solely as a result of his employment; is an employee for the purpose of this subchapter only on a determination by the head of the agency concerned that this status is the proximate result of employment by the agency;

- (3) "dependent" means—
  - (A) a wife;
  - (B) an unmarried child (including an unmarried dependent stepchild or adopted child) under 21 years of age;
  - (C) a dependent mother or father;
  - (D) a dependent designated in official records; and
  - (E) an individual determined to be dependent by the head of the agency concerned or his designee;

(4) "active service" means active Federal service by an employee; (5) "missing status" means the status of an employee who is in active service and 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; but does not include the status of an employee for a period during which he is officially determined to be absent from his post of duty without authority; and

- (6) "pay and allowances" means—
  - (A) basic pay;
  - (B) special pay;
  - (C) incentive pay;
  - (D) basic allowance for quarters;
  - (E) basic allowance for subsistence; and
  - (F) station per diem allowances for not more than 90 days.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 489.

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Historical and Revision Notes

Reviser's Notes

Derivation: United States Code  
(1)-(4) 50A U.S.C. 1001

(5) 50A U.S.C. 1002(a) (3d through 66th words of 1st sentence, and 1st 28 words of 3d sentence, for definition purposes).

50A U.S.C. 1014 (as applicable to § 1002(a) (1st sentence)).

(6) 50A U.S.C. 1002(a) (96th through 120th words of 1st sentence, for definition purposes).

Revised Statutes and Statutes at Large  
Mar. 7, 1942, ch. 166, § 1, 56 Stat. 143.  
July 1, 1944, ch. 371, § 1, 58 Stat. 679.  
May 16, 1947, ch. 70, § 1, 61 Stat. 96.  
Aug. 29, 1957, Pub.L. 85-217, § 1(a), 71 Stat. 491.  
Aug. 14, 1961, Pub.L. 88-428, § 1(1), (2), 78 Stat. 437.  
Mar. 7, 1942, ch. 166, § 2(a) (3d through 66th words and 96th through 120th words of 1st sentence, and 1st 28 words of 3d 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, 1961, Pub.L. 88-428, § 1(3) (A), (C), 78 Stat. 437.  
Mar. 7, 1942, ch. 166, § 14 (as applicable to § 2(a) (1st sentence)), 56 Stat. 147.  
Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.

Explanatory Notes.

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In paragraph (1), the word "agency" is substituted for "department". The words "including such term when used in the amendment made by section 16" are omitted as surplusage. The words "an Executive agency and a military department" are coextensive with and substituted for "any executive department, independent establishment, or agency (including corporations) in the executive branch of the Federal Government" in view of the definitions in sections 105 and 102, and on authority of 5 U.S.C. 633a which provides that general legislation governing employment, compensation, and the status of employees of the United States applies to employees of

the General Accounting Office in the same manner as if they were in the executive branch.

In paragraph (3)(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 paragraph (3)(E), the words "head of the agency concerned or his designee" are substituted for "head of the department concerned, or subordinate designated by him".

The definitions in paragraphs (5) and (6), which do not appear in, but are based on, the source law are created for legislative convenience.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Cross References

Payments to missing members of the uniformed services, see section 551 et seq. of Title 37, Pay and Allowances of the Uniformed Services.

Notes of Decisions

Active service 3  
Construction 1  
Purpose 2

Library references  
United States 39(7, 9).  
C.J.S. United States §§ 17, 44, 47.

1. Construction

In arriving at the in enacting this subch necessary to construe all the law together even seems not to be in strict specific provisions lifted from the body of out of the context. In 181 F.Supp. 608, 149 Ct on other grounds 81 S. 393, 6 L.Ed.2d 365.

Indications that Cong exclude any one type of have to be specific. 111 97 F.Supp. 702, 110 Ct.Cl.

2. Purpose

The primary purpose 1001 et seq. of Title 59 subchapter] was to al hardship suffered by d officers and employees rep Bell v. U. S., Ct.Cl.1961, U.S. 303, 6 L.Ed.2d 365.

§ 5562. Pay a sta

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## Notes

## Notes and Statutes at Large

- ch. 166, § 1, 56 Stat. 143.  
 ch. 371, § 1, 58 Stat. 679.  
 ch. 70, § 1, 61 Stat. 96.  
 Pub.L. 85-217, § 1(a), 71  
 1. Pub.L. 88-428, § 1(d), (2),  
 2.  
 ch. 166, § 2(n) (3d through  
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 st sentence, and 1st 28 words  
 nee, for definition purposes);  
 ch. 371, § 2, 58 Stat. 679.  
 ch. 17, § 1(a), 67 Stat. 21.  
 7, Pub.L. 85-217, § 1(b) (1st  
 at. 491.  
 1. Pub.L. 88-428, § 1(3) (A),  
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 ch. 166, § 14 (as applicable  
 1st sentence)), 56 Stat. 147.  
 ch. 17, § 1(e), 67 Stat. 21.

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## Notes

§ 39(7, 9).  
 1 States §§ 17, 41, 47.

## 1. Construction

In arriving at the intent of Congress in enacting this subchapter, it is necessary to construe all the provisions of the law together even if sometimes it seems not to be in strict accord with certain specific provisions when they are lifted from the body of the law and read out of the context. *Bell v. U. S.*, 1960, 181 F.Supp. 668, 149 Ct.Cl. 248, reversed on other grounds 81 S.Ct. 1230, 366 U.S. 393, 6 L.Ed.2d 365.

Indications that Congress intended to exclude any one type of allowance would have to be specific. *Dilks v. U. S.*, 1951, 97 F.Supp. 702, 110 Ct.Cl. 826.

## 2. Purpose

The primary purpose of former section 1091 et seq. of Title 50 App. [now this subchapter] was to alleviate financial hardship suffered by dependents of officers and employees reported as missing. *Bell v. U. S.*, Ct.Cl.1961, 81 S.Ct. 1230, 366 U.S. 393, 6 L.Ed.2d 365.

## 3. Active service

Under this subchapter "active service" refers to person's status at time he became missing, and prisoners who were in active service when taken could not be determined to be not in active service when in prison camps. *Bell v. U. S.*, Ct. Cl.1961, 81 S.Ct. 1230, 366 U.S. 393, 6 L. Ed.2d 365.

Where 1944 amendment to former section 1002 of Title 50 App. [now this section] did not purport to alter type of pay or allowance which person in active service who was missing was entitled to have credited to his account during period of his absence, and phrase "same pay and allowances" was exactly same language which appeared in original section of March 7, 1942, the law in that respect was the same after the amendment as before. *Hevenor v. U. S.*, 1951, 101 F.Supp. 465, 121 Ct.Cl. 77.

## § 5562. Pay and allowances; continuance while in a missing status; limitations

(a) An employee in a missing status is entitled to receive or have credited to his account, for the period he is in that status, the same pay and allowances to which he was entitled at the beginning of that period or may become entitled thereafter.

(b) Entitlement to pay and allowances under subsection (a) of this section ends on the date of—

- (1) receipt by the head of the agency concerned of evidence that the employee is dead; or
- (2) death prescribed or determined under section 5565 of this title.

That entitlement does not end—

- (A) on the expiration of the term of service or employment of an employee while he is in a missing status; or
- (B) earlier than the dates prescribed in paragraphs (1) and (2) of this subsection if the employee dies while he is in a missing status.

(c) An employee who is officially determined to be absent from his post of duty without authority is indebted to the United States for payments of amounts credited to his account under subsection (a) of this section for the period of that absence.

(d) When an employee in a missing status is continued in that status under section 5565 of this title, he continues to be entitled to

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have pay and allowances credited under subsection (a) of this section. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 490.

Historical and Revision Notes

Reviser's Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	50A U.S.C. 1002(a) (1st sentence, less last 46 words).	Mar. 7, 1912, ch. 166, § 2(a) (1st 2 sentences and 3d sentence, less 1st 28 words); added. July 1, 1914, 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), 71 Stat. 491. Aug. 14, 1964, Pub.L. 88-428, § 1(2) (A), (B), 78 Stat. 437.
	50A U.S.C. 1014 (as applicable to § 1002(a) (1st sentence)).	Mar. 7, 1912, ch. 166, § 14 (as applicable to § 2(a) (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, § 1(c), 67 Stat. 21.
(b)	50A U.S.C. 1002(a) (last 46 words of 1st sentence, and 2d sentence).	
(c)	50A U.S.C. 1002(a) (3d sentence, less 1st 28 words).	
(d)	50A U.S.C. 1006 (2d sentence, as applicable to pay and allowances).	Mar. 7, 1912, 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.

Explanatory Notes.

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words "An employee in a missing status" are substituted for the first 66 words of 50A U.S.C. 1002(a) to conform to the definitions in section 5561(2) and (5). The words "pay and allowances" are substituted for the enumeration of pay and allowances in the first sentence of 50A U.S.C. 1002(a) to conform to the definition in section 5561(6). The words "or is performing full-time training duty, other full-time duty, or inactive duty training" and "except that the pay and allowances for a person who is performing full-time training duty or other full-time duty without pay, or inactive duty training with or without pay, shall be that to which he would have been entitled if he had been performing full-time

active duty with pay" are omitted as inapplicable to civilian officers and employees.

In subsection (b), the words "under subsection (a) of this section" are inserted for clarity.

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

In subsection (d), the words "an employee in a missing status" are substituted for "a person missing under the conditions specified in section 2 of this Act" to conform to the definitions in section 5561(2) and (5).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Generally §  
Absence from post without pay  
Construction 1  
subsistence and quarters allow

Library references  
(United States Code 39(7, 9).  
C.J.S. United States §§ 17, 41.

1. Construction  
Where at time individual was prisoner of the Japanese army entitled to receive per diem for quarters and subsistence permanently assigned personnel under this section providing continued pay and allowances while actively, entitled to have credited pay account during period of allowances for subsistence and quarters. *Dilks v. U. S.*, Ct.Cl.1950, 91 L. opinion superseded 94 F.Supp. Ct.Cl. 438, motion overruled 135 97 F.Supp. 702.
2. Subsistence and quarters  
Where plaintiff, a government employee, was receiving per diem of \$5.00 subsistence while traveling on official limits of United States so traveling plaintiff was considered interned in Japan, allowance to plaintiff was in fact and in temporary per diem allowance for expense and was not within scope of subchapter authorizing pay "same pay and allowances" person captured by an enemy entitled at beginning of such period of absence or became entitled to

§ 5563. Allotment of savings bonds  
sumption  
limitation

(a) An allotment (in the case of United States savings bonds) to a person in a missing status may be made notwithstanding the employee's death.

(b) In the absence of sufficient funds for a purpose as determined, he or his designee may receive an allotment as circumstances may require. If the employee concerned

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5 § 5563

Notes of Decisions

Generally 3  
 Absence from post without authority 4  
 Construction 1  
 Subsistence and quarters allowances 2

*Hevenor v. U. S.*, 1951, 101 F.Supp. 465, 121 Ct.Cl. 77.

3. Generally

Compensation under this subchapter for period from date individual was reported missing in action until official date of death was due him as a contractual obligation of the government and not as a "gratuity" and was payable to executor of his estate and became a part of estate. *Campbell v. Oliphant*, 1917, 206 S.W.2d 406, 185 Tenn. 415.

4. Absence from post without authority

Either under 1814 Act governing pay of prisoners of war or under this subchapter, individuals who were captured during Korean hostilities and refused repatriation after Korean armistice were entitled to pay and allowances accruing during their detention as prisoners of war, at least in absence of definite administrative determination that after capture they were no longer in active service or were absent from posts of duty, other than subsequently abandoned determination as to advocacy of overthrow of government. *Bell v. U. S.*, Ct. Cl. 1061, 81 S.Ct. 1230, 306 U.S. 393, 6 L. Ed.2d 365.

Provision denying pay to a person officially determined to have been "absent from his post of duty without authority" was enacted to cover persons found to have been missing in the first place only by reason of such unauthorized absence, and would not cover person guilty of misconduct, after having been taken prisoner. *Id.*

Library references

United States 39(7, 9).  
 C.J.S. United States §§ 47, 44, 47.

1. Construction

Where at time individual was made a prisoner of the Japanese army he was entitled to receive per diem allowances for quarters and subsistence given to permanently assigned personnel, he was, under this section providing for continued pay and allowances while in captivity, entitled to have credited to his pay account during period of captivity, allowances for subsistence and quarters. *Dilks v. U. S.*, Ct.Cl. 1950, 91 F.Supp. 726, opinion superseded 94 F.Supp. 663, 118 Ct.Cl. 438, motion overruled 119 Ct.Cl. 826, 97 F.Supp. 702.

2. Subsistence and quarters allowances

Where plaintiff, a government employee, was receiving per diem of \$8.00 in lieu of subsistence while traveling outside continental limits of United States, and while so traveling plaintiff was captured and interned in Japan, allowance authorized to plaintiff was in fact and in law a temporary per diem allowance for travel expense and was not within scope of this subchapter authorizing payment of "same pay and allowances" to which person captured by an enemy was entitled at beginning of such period of absence or became entitled to thereafter.

§ 5563. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations

(a) An allotment (including one for the purchase of United States savings bonds) made by an employee before he was in a missing status may be continued for the period he is in that status, notwithstanding the end of the period for which the allotment was made.

(b) In the absence of an allotment or when an allotment is insufficient for a purpose authorized by the head of the agency concerned, he or his designee may authorize such a new or increased allotment as circumstances warrant, which is payable for the period the employee concerned is in a missing status.



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(c) All allotments from the pay and allowances of an employee in a missing status may not total more than the amount of pay and allowances he is permitted to allot under regulations prescribed by the head of the agency concerned.

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

(e) Subject to subsections (f) and (g) of this section, the head of the agency concerned or his designee may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of an allotment from the pay and allowances of an employee in a missing status when that action is in the interests of the employee, his dependents, or the United States.

(f) When the head of the agency concerned officially reports that an employee in a missing status is alive, an allotment under subsections (a)-(d) of this section may be paid, subject to section 5562 of this title, until the date the head of the agency concerned receives evidence that the employee is dead or has returned to the controllable jurisdiction of the agency concerned.

(g) When an employee in a missing status is continued in that status under section 5565 of this title, an allotment under subsections (a)-(d) of this section may be continued, increased, or initiated.

(h) When the head of the agency concerned considers it essential for the well-being and protection of the dependents of an employee in active service (other than an employee in a missing status), he may, with or without the consent of the employee and subject to termination on specific request of the employee—

- (1) direct the payment of a new allotment from the pay of the employee;
- (2) increase or decrease the amount of an allotment made by the employee; and
- (3) continue payment of an allotment of the employee which has expired.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 490.

Historical and Revision Notes

Reviser's Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	50A U.S.C. 1003 (1st sentence).	Mar. 7, 1912, ch. 166, § 3, 56 Stat. 144. Dec. 21, 1912, ch. 828, § 1 (1st par.), 56 Stat. 1092. July 4, 1941, ch. 371, § 3, 58 Stat. 680.
(b)	50A U.S.C. 1063 (2d sentence, less proviso).	
(c)	50A U.S.C. 1003 (1st proviso of 2d sentence).	
(d)	50A U.S.C. 1003 (2d proviso of 2d sentence).	

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Derivation:	United States Code
(c)	50A U.S.C. 1003 (1st sentence).
(f)	50A U.S.C. 1003 (2d sentence).
(g)	50A U.S.C. 1003 (1st sentence).
(h)	50A U.S.C. 1003 (2d sentence).

Explanatory Notes.

Only that portion of this section which is applicable to civilian employees and their dependents is codified in this section.

In subsection (a), the words "person in a missing status" are substituted for the reference to "person" under section 2 of this Act to conform to the definitions in sections 5561(2) and (5). The words "employee" and "dependents" are substituted for "person" otherwise provided herein" as unnecessary.

In subsection (b), the words "head of the agency concerned, he or his designee" are substituted for "head of the agency concerned . . . head of the agency concerned, or such other person as he may designate". The word "employee" is substituted for "person" to conform to the definition in section 5561(2).

In subsection (c), the words "employee in a missing status" are omitted as surplusage. The words "employee" and "dependents" are substituted for "absent person" to conform to the definitions in sections 5561(2) and (5).

In subsection (d), the words "employee in a missing status" are substituted for "person in a missing status" to conform to the style of this title. The word "employee" is substituted for "person" to conform to the definition in section 5561(2).

United States Code 30(7, 9).

T. 5 U.S.C.A. §§ 5101 to 8500—

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Derivation:	United States Code	Revised Statutes and Statutes at Large
(e)	50A U.S.C. 1004	Mar. 7, 1912, ch. 166, § 4, 56 Stat. 114. Dec. 21, 1912, ch. 828, § 1 (2d par.), 56 Stat. 1093.
(f)	50A U.S.C. 1006 (1st sentence).	July 1, 1914, ch. 371, § 4, 58 Stat. 650. Mar. 7, 1912, ch. 166, § 6 (1st sentence and 2d sentence, as applicable to allotments); added. Dec. 21, 1912, 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.
(g)	50A U.S.C. 1014 (as applicable to § 1006 (1st sentence)).	Mar. 7, 1912, ch. 166, § 14 (as applicable to § 6 (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
(h)	50A U.S.C. 1007	Mar. 7, 1912, ch. 166, § 7, 56 Stat. 115. Aug. 14, 1964, Pub.L. 88 428, § 1(6), 78 Stat. 437.

**Explanatory Notes.**

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words "employee . . . in a missing status" are substituted for the reference to "person . . . entitled under section 2 of this Act to receive or be credited with pay and allowances" to conform to the definitions in section 5561(2) and (5). The words "except as otherwise provided herein" are omitted as unnecessary.

In subsection (b), the words "head of the agency 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". The word "employee" is substituted for "person" to conform to the definition in section 5561(2).

In subsection (c), the words "in effect" are omitted as surplusage. The words "employee in a missing status" are substituted for "absent person" to conform to the definitions in section 5561(2) and (5).

In subsection (d), the words "United States" are substituted for "Government" to conform to the style of this title. The word "employee" is substituted for "person" to conform to the definition in section 5561(2).

In subsection (e), the words "head of the agency concerned or his designee" are substituted for "head of the department concerned, or such subordinates as he may designate". The words "employee in a missing status" are substituted for "person entitled to receive or be credited with pay and allowances under section 2 of this Act" to conform to the definitions in section 5561(2) and (5). The words "United States" are substituted for "Government" to conform to the style of this title.

In subsections (f) and (g), the words "employee in a missing status" are substituted for "person missing under the conditions specified in section 2 of this Act" to conform to the definitions in section 5561(2) and (5).

In subsection (h), the words "employee in a missing status" are substituted for "persons entitled under section 2 or 14 of this Act to receive pay and allowances" to conform to the definitions in section 5561(2) and (5). In paragraph (2), the words "heretofore or hereafter" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

**Library References**

United States Code 39(7, 9).

C.J.S. United States §§ 17, 41, 47.

U S Code  
Annotated

Title 5

5101 to 8500