

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(5)	50A U.S.C. 1002(a) (3d through 66th words of 1st sentence, and 1st 28 words of 3d sentence, for definition purposes).	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, 1964, Pub. L. 88-428, §1(3)(A), (C), 78 Stat. 437.
(5)	50A U.S.C. 1014 (as applicable to §1002(a) (1st sentence)).	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.
(6)	50A U.S.C. 1002(a) (96th through 120th words of 1st sentence, for definition purposes).	

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. 933a 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.

AMENDMENTS

1997—Par. (6)(D). Pub. L. 105-85 substituted “housing” for “quarters”.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 603(e) of Pub. L. 105-85 provided that: “This section [amending this section, sections 708, 2830, 2882, 7572, and 7573 of Title 10, Armed Forces, section 107 of Title 32, National Guard, sections 101, 403, 405, 406, 420, 427, 551, and 1014 of Title 37, Pay and Allowances of the Uniformed Services, and section 454 of Title 50, Appendix, War and National Defense, repealing section 403a of Title 37, and enacting provisions set out as a note under section 403 of Title 37] and the amendments made by this section shall take effect on January 1, 1998.”

ACCOUNTING FOR CIVILIAN EMPLOYEES AND CONTRACTORS OF UNITED STATES

Pub. L. 104-106, div. A, title V, §569(e), Feb. 10, 1996, 110 Stat. 352, directed Secretary of State to carry out

comprehensive study of provisions of this subchapter and any other law or regulation establishing procedures for accounting for civilian employees of the United States or contractors of the United States who serve with or accompany the Armed Forces in the field to determine the means, if any, by which those procedures may be improved, and further provided for submission of report to Congress not later than one year after Feb. 10, 1996, on results of study.

BENEFITS FOR UNITED STATES HOSTAGES IN IRAQ AND KUWAIT AND UNITED STATES HOSTAGES CAPTURED IN LEBANON

Pub. L. 101-513, title V, §599C, Nov. 5, 1990, 104 Stat. 2064, as amended by Pub. L. 102-138, title III, §302(a), Oct. 28, 1991, 105 Stat. 707; Pub. L. 102-499, §5(a), Oct. 24, 1992, 106 Stat. 3266, provided for payment of benefits during fiscal year 1991 and thereafter for United States hostages in Iraq and Kuwait and United States hostages captured in Lebanon.

HOSTAGE RELIEF

Pub. L. 96-449, Oct. 14, 1980, 94 Stat. 1967, as amended by Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, known as the “Hostage Relief Act of 1980”, provided for benefits for United States civil service and uniformed service personnel who were placed in a captive status during a hostage period beginning on Nov. 4, 1979, due to the seizure of the United States Embassy in Iran.

EXECUTIVE ORDER NO. 12268

Ex. Ord. No. 12268, Jan. 15, 1981, 46 F.R. 4671, provided for the implementation of the Hostage Relief Act of 1980 (Pub. L. 96-449).

EXECUTIVE ORDER NO. 12313

Ex. Ord. No. 12313, July 13, 1981, 46 F.R. 36689, designated Jan. 11, 1981, as date on which all citizens and resident aliens of the United States who had been placed in captive status as a result of seizure of United States Embassy in Iran were returned to United States or otherwise accounted for and were no longer under foreign control.

§ 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. Notwithstanding any other provision of law, an employee in a missing status on or after January 1, 1965, is entitled—

(1) to payment for annual leave which accrued to his account on or after January 1, 1965, but which was forfeited under section 6304 of this title because he was unable to use that leave by virtue of his missing status; or

(2) to have all of that leave restored to him and credited to a separate leave account in accordance with the provisions of section 6304(d)(2) of this title.

An employee shall elect in writing, within 90 days immediately following December 14, 1973, or within 90 days immediately following the termination of his missing status, whichever is later, whether he desires payment for the leave under clause (1) of this subsection or credit of the leave under clause (2) of this subsection. Payment under clause (1) of this subsection shall be at the employee’s rate of basic pay in effect at the time the leave was forfeited.

(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 have pay and allowances credited under subsection (a) of this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 490; Pub. L. 93-181, §7(a), Dec. 14, 1973, 87 Stat. 707; Pub. L. 96-54, §2(a)(33), Aug. 14, 1979, 93 Stat. 383.)

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.

AMENDMENTS

1979—Subsec. (a), Pub. L. 96-54 substituted “December 14, 1973,” for “the date of enactment of this sentence”.

1973—Subsec. (a), Pub. L. 93-181 inserted provisions relating to employees in missing status on or after January 1, 1965.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

FORMER EMPLOYEES OR THEIR BENEFICIARIES

Section 7(b) of Pub. L. 93-181 provided that: “The amendment made by subsection (a) of this section [amending subsec. (a) of this section] shall apply to former employees or their beneficiaries.”

§ 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.

(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.

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	50A U.S.C. 1002(a) (1st sentence, less last 46 words).	Mar. 7, 1942, ch. 166, §2(a) (1st 2 sentences and 3d sentence, less 1st 28 words); 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), 71 Stat. 491. Aug. 14, 1964, Pub. L. 88-428, §1(3)(A), (B), 78 Stat. 437.
(b)	50A U.S.C. 1014 (as applicable to §1002(a) (1st sentence)).	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.
(c)	50A U.S.C. 1002(a) (last 46 words of 1st sentence, and 2d sentence).	
(d)	50A U.S.C. 1002(a) (3d sentence, less 1st 28 words).	
	50A U.S.C. 1006 (2d sentence, as applicable to pay and allowances).	Mar. 7, 1942, ch. 166, §6 (2d sentence, as applicable to pay and allowances); added Dec. 24, 1942, ch. 828, §1 (4th par.), 56 Stat. 1093. Aug. 14, 1964, Pub. L. 88-428, §1(5)(B), 78 Stat. 437.

Only that portion of the source law which is applicable to 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 sections 5561(6). The words “or is performing full-time training duty, other full-time duty, or inactive duty training” and “except that the pay